FEDERAL REGISTER

VOLUME 12 NUMBER 81

Washington, Thursday, April 24, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9840

AMENDING EXECUTIVE ORDER No. 9492, AS AMENDED, PRESCRIBING REGULATIONS GOVERNING NON-MILITARY AND NON-NAVAL TRANSPORTATION ON ARMY AND NAVY AIR TRANSPORTS

By virtue of the authority vested in me by the Constitution and laws of the United States and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered that Executive Order No. 9492 of October 24, 1944, as amended by Executive Orders No. 9629 of September 25, 1945, No. 9714 of April 20, 1946, and No. 9792 of October 23, 1946, prescribing regulations governing non-military and non-naval transportation on Army and Navy air transports, be, and it is hereby, further amended by substituting the words "two years and eight months" for the words "two and one-half years."

HARRY S. TRUMAN

THE WHITE HOUSE,
April 22, 1947.

[F. R. Doc. 47-3957; Filed, Apr. 23, 1947; 10:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR FRESH FRUITS AND VEGETABLES AND OTHER PRODUCTS

By virtue of the authority (11 F. R. 7713) vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Tangerines which were issued September 22, 1941 and amended October 27, 1941. These amended standards are currently in effect pursuant to the Department of Agriculture Appropriation Act of 1947 (Pub. Law 422, 79th Cong., 2d sess., approved June 22, 1946)

§ 51.416 *Tangerines*—(a) *General.* (1) Standards for tangerines, formerly issued as a part of the U. S. Standards for Citrus Fruits, are issued herewith as separate standards. These standards apply only to tangerines and not to other varieties of the Mandarin group.

(2) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(3) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(4) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(b) *Grades*—(1) *U. S. Fancy.* U. S. Fancy shall consist of tangerines which are mature, firm, and well-formed; free from soft bruises, bird pecks, unhealed skin-breaks, and decay; free from damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(i) Each fruit in this grade shall be highly colored.

(ii) In this grade not more than $\frac{1}{10}$ of the surface in the aggregate of each fruit may have a light shade of brown discoloration caused by rust mite, or an equivalent in appearance to this amount when the fruit is discolored by any cause. (See Tolerances.)

(2) *U. S. No. 1.* U. S. No. 1 shall consist of tangerines which are mature, firm and well-formed; free from soft bruises, bird pecks, unhealed skin-breaks, and decay; free from damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] E. O. 9840.

CODIFICATION GUIDE—Con.

CODIFICATION GUIDE—Con.

(i) Each fruit of this grade shall be well-colored and the fruits in each container shall be fairly uniform in color.

(ii) In this grade not more than one-third of the surface in the aggregate of each fruit may have a light shade of brown discoloration caused by rust mite, or an equivalent in appearance to this amount when the fruit is discolored by any cause. (See Tolerances.)

(3) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruit shall show some discoloration, and more than 20 percent, by count, of the fruit shall have more than one-third of the surface of each fruit affected with bronzed russeting: *Provided,* That no discoloration that exceeds the amount allowed in the U. S. No. 1 grade shall be permitted unless such discoloration is caused by thrip or wind scars, or rust mite.

(4) *U. S. Combination Grade.* Any lot of tangerines may be designated "U. S. Combination" when not less than 50 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade: *Provided,* That the fruits in each container shall be fairly uniform in color. (See Tolerances.)

(5) *U. S. No. 2.* U. S. No. 2 shall consist of tangerines which are mature, fairly firm, and fairly well-formed; free from soft bruises, bird pecks, unhealed skin-breaks and decay; free from serious damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(i) Each fruit of this grade shall be fairly well-colored.

(ii) In this grade not more than two-thirds of the surface in the aggregate of each fruit may be affected with light brown discoloration, or may have the equivalent to this amount in appearance when the fruit has lighter or darker shades of discoloration. (See Tolerances.)

(6) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of the surface in the aggregate affected with light brown discoloration. (See Tolerances)

(7) *U. S. No. 3.* U. S. No. 3 shall consist of tangerines which are mature, not flabby and not seriously lumpy which are free from unhealed bird pecks, unhealed skin-breaks and decay; free from very serious damage by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale-sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided, as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 2 and U. S. No. 2 Russet.* Not more than a total of 10 percent, by count, of the fruit in any container may be below the requirements of the grade other than for discoloration but not more than 5 percent shall be allowed for very serious damage other than by dryness or mushy condition and not more than one-half of 1 percent shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination. In addition, not more than a total of 10 percent, by count, of the fruit in any container may not meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

(2) *U. S. Combination.* Not more than a total of 10 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than 5 percent shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-half of 1 percent shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required or specified: *Provided,* That the entire lot averages within the percentage specified.

(3) *U. S. No. 3.* Not more than a total of 15 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than 5 percent shall be allowed for defects other than dryness or mushy condition, and not more than 1 percent shall be allowed for decay at shipping point: *Provided,* That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination.

(d) *Standard pack.* (1) The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of the fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size," as, for example, "210's," or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(2) Fruit in each container shall be of a size not less than the minimum diameters specified below for the various packs. Packs other than those listed shall have a minimum size not less than that specified for the nearest count.

Pack:	Diameter in Inches Minimum
100	2 5/16
120	2 1/16
150	2 3/16
176	2 1/16
210	2 1/16
246	2 1/16
294	2

(3) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruit in any container may be below the minimum size for the count as specified above.

(e) *Definitions.* (1) "Firm" means that the flesh is not soft and the fruit is not badly puffy and that the skin has not become materially separated from the flesh of the tangerine.

(2) "Well-formed" means that the fruit has the characteristic tangerine shape and is not deformed.

(3) "Damage" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Ammoniation, when not occurring as speck-type similar to melanose: *Provided,* That no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade.

(ii) Creasing, when it materially affects the appearance or shipping quality of the fruit.

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(iv) Green spots or oil spots, when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is approximately one-eighth inch in diameter.

(v) Pitting, when materially affecting the appearance or shipping quality of the individual fruit.

(vi) Scale, when occurring as a blotch which averages more than three-eighths inch in diameter or any scale that detracts from the appearance of the individual fruit to a greater extent than a three-eighths inch blotch. "Blotch" refers to actual scale and not the discolored area caused by scale.

(vii) Sprayburn, when causing the skin to become hard or when it materially affects the appearance of the fruit.

(viii) Sunburn, when causing the skin to become hard or when it materially affects the appearance of the fruit.

(ix) Unsightly discoloration, when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance.

(x) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(xi) Melanose, when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

(xii) Scars, when not smooth, or when causing any noticeable depression or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(xiii) Scab, when not smooth, or when it affects shape or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

(4) "Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

(5) "Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area, provided no discoloration may affect the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, or wind scars, or by rust mite shall not be permitted in the U. S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U. S. No. 1 grade. (See definition 7, "Bronzed russeting")

(6) "Well-colored" means that the ground color of each fruit is a good shade of yellow or reddish tangerine color and not a pale yellow color.

(7) "Bronzed russeting" means russeting caused by thrip, or wind scars, or by rust mite or similar russeting which is not readily distinguishable from that caused by rust mite. Discolorations caused by melanose, scab, etc. are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U. S. No. 1 grade and are not permitted in the U. S. No. 1 Bronze grade.

(8) "Fairly uniform in color" means that the fruits in each container have the same general shade of color; that is, tangerines of pronounced differences in color shall not be mixed in the same container.

(9) "Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

(10) "Fairly well-formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

(11) "Serious damage" means any defect or blemish which seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or dark and aggregating more than one-half inch in diameter or when light-colored and aggregating more than 1 inch in diameter.

(ii) Creasing, when it causes the skin to be seriously weakened.

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-quarter inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(iv) Green spots or oil spots, when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is approximately one-eighth inch in diameter.

(v) Pitting, when seriously affecting the appearance or shipping quality of the fruit.

(vi) Scale, when occurring as a blotch which averages more than one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than a one-half inch blotch. "Blotch" refers to actual scale and not the discoloration caused by scale.

(vii) Sprayburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit.

(viii) Sunburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit.

(ix) Unsightly discoloration, when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance.

(x) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(xi) Melanose, when badly caked and aggregating more than ½ inch in diameter or when lightly caked and aggregating more than 1 inch in diameter, or when unsightly or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(xii) Scars, when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U. S. No. 2 or U. S. No. 2 Russet grades.

(xiii) Scab, when not fairly smooth, or when it materially affects the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

(12) "Fairly well-colored" means that a yellow or reddish tangerine ground color shall predominate over the green color on practically the entire surface of each fruit.

(13) "Very serious damage" means any defect or blemish which very seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(i) Ammoniation, when scars are badly cracked, or when dark and aggregating more than 1 inch in diameter, or when light-colored and detracting from the appearance of the fruit to a greater extent than 1 inch of dark ammoniation.

(ii) Creasing, when causing the skin to be seriously weakened.

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-quarter inch in all segments at the stem end or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(iv) Pitting, when it very seriously affects the appearance or the shipping quality of the fruit.

(v) Scale, when it very seriously affects the appearance of the fruit.

(vi) Sprayburn, when it very seriously affects the appearance of the fruit.

(vii) Sunburn, when it very seriously affects the appearance of the fruit.

(viii) Unsightly discoloration, when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance.

(ix) Melanose, when caked to the extent that the appearance of the fruit is very seriously affected.

(x) Scars, when so deep, rough, or so unsightly that the appearance of the fruit is very seriously injured.

(xi) Scab, when it causes the fruit to be very seriously injured.

(f) *Cull.* A cull is a fruit which does not meet the requirements of U. S. No. 3 grade. (54 Stat. 555; 7 U. S. C. and Sup. 414)

Done at Washington, D. C., this 18th day of April 1947.

[SEAL] E. A. MEYER,
Assistant Administrator Production and Marketing Administration

[F. R. Doc. 47-3882; Filed, Apr. 23, 1947; 8:50 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 560]

PART 301—DOMESTIC QUARANTINE NOTICES

STERILIZATION OF GRAPEFRUIT

Because of increasing numbers of infestations of Mexican fruitflies now occurring in the regulated area in the Rio Grande Valley it has become necessary to require the sterilization of grapefruit produced in and moved interstate from the Texas counties of Cameron, Hidalgo, and Willacy effective 12:01 a. m., April 24, 1947, and continuing for the remainder of the shipping season.

The date upon which this requirement becomes necessary depends upon development of insect conditions and cannot be determined in advance. To accomplish the purpose for which it is intended this requirement must be made effective immediately upon determination that it is necessary. Accordingly, it is found, upon good cause, that compliance with the rule making procedure of section 4 (a) of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 238) is impracticable and contrary to the public interest, and it is found that good cause exists for noncompliance with the thirty day publication requirement of section 4 (c) of that act.

§ 301.64-4d *Administrative instructions relative to the Mexican fruitfly quarantine.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (e) of § 301.64-4 (Notice of Quarantine No. 64) it is hereby required that effective 12:01 a. m., April 24, 1947, and continuing throughout the harvesting season to the close of June 15, 1947, all grapefruit, as a condition of certification for interstate movement from the Texas counties of Cameron, Hidalgo, and Willacy, shall be sterilized in accordance with the methods authorized in B. E. P Q. 472, revised effective September 25, 1941 (7 CFR Cum. Supp. 301.64-4a).

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161)

Done at Washington, D. C., this 17th day of April 1947.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 47-3831; Filed, Apr. 23, 1947; 8:47 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[1947 Bulletin, Amdt. 1]

PART 702—INSULAR AGRICULTURAL CONSERVATION PROGRAM

GENERAL PROVISIONS RELATING TO PAYMENTS; FAILURE TO MAINTAIN PRACTICES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, (49 Stat. 1148, 16 U. S. C. 590g to 590q) the 1947 Agricultural Conservation Program Bulletin for the Insular Region, issued August 23, 1946, is hereby amended as follows:

Section 702.805, *General provisions relating to payments,* is amended with the addition of a paragraph (f) as follows:

(f) *Failure to maintain practices carried out under previous programs.* Where the State office determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practice or the effectiveness of any such practice is destroyed during the 1947 program year, a deduction shall be made for the extent of the practice destroyed or not maintained from the payment of the person responsible for incurring such deduction after the payment has been increased in accordance with the provisions of § 702.803. The deduction rate shall be the 1947 practice rate, or if the practice is not offered in 1947, the practice rate in effect during the year the practice was performed.

(49 Stat. 1148; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 21st day of April 1947.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3902; Filed, Apr. 23, 1947; 8:46 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 51, Termination]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

TERMINATION OF CONTROL OF EDIBLE MOLASSES

War Food Order No. 51, as amended (11 F. R. 12282, 14509) is hereby terminated.

This termination shall become effective at 12:01 a. m., e. s. t., April 21, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 51, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087)

Issued this 18th day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3891; Filed, Apr. 23, 1947; 8:48 a. m.]

TITLE 13—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

PART 02—PROCEDURES

CENTRAL ORGANIZATION

Section 02.16 (11 F. R. 177A-459) is deleted in its entirety and the following substituted therefor:

§ 02.16 *Office of Metal Reserve*—(a) *In general.* Inquiries regarding the activities of the Office of Metals Reserve should be addressed to the Reconstruction Finance Corporation, Office of Metals Reserve, 811 Vermont Avenue NW., Washington 25, D. C.

(b) *Sale of certain strategic and critical metals and minerals*—(1) *Sale of strategic and critical metals and minerals.* The Office of Metals Reserve, Reconstruction Finance Corporation, has available for sale to the public limited quantities of the metals and minerals listed below in List A. These are termed "strategic and critical materials" and are available to meet the current requirements of industry under the provisions of the Strategic and Critical Materials Stock Piling Act of 1946, PL 520, 79th

Congress. The Office of Metals Reserve will sell these List A materials in quantities not less than the minimum sales quantities specified in List A.

(2) *Recommendations by the Civilian Production Administration to the Office of Metals Reserve, as to the sale of these materials.* The Office of Metals Reserve in making sales to the public of List A materials, will be guided by the recommendations of the Civilian Production Administration of the Office of Temporary Controls, as to the buyers and quantities.

(3) *Criteria for recommendations by the Civilian Production Administration.* In order to make the most effective use of these materials to help meet industrial deficiencies, CPA will consider applications and make recommendations to the Office of Metals Reserve on the basis of the following criteria:

(i) The applicant requires the material for his own immediate use in its present form; or

(ii) The applicant is a distributor of the material engaged in supplying the needs of small businesses; whose current requirements are less than the RFC minimum sales quantities, and the distributor undertakes to make the material purchased by him available only to persons recommended by the CPA.

(iii) In the limited cases described in subdivisions (i) and (ii) of this subparagraph, recommendations will be made only upon the further findings by CPA that:

(*a*) The use of a substitute or less scarce material is not practical; and

(*b*) The material is not available from private sources, foreign or domestic; and

(*c*) The quantity of material requested, including materials in inventory and to be received from other sources, will not result in more than a minimum working inventory.

(iv) In respect to any material in which the Office of Metals Reserve stocks are extremely limited in relation to the amounts required to meet industrial deficiencies, as established by CPA under the Strategic and Critical Stock Piling Act, recommendations to sell will generally be made only in cases of emergency such as to prevent a plant shutdown or for public health and safety.

(4) *How to make application for purchase of List A materials from RFC.* Any person wishing to purchase any List A material from the Office of Metals Reserve and who believes that he meets the criteria referred to in subparagraph (3) of this paragraph, may apply directly to the CPA, Washington 25, D. C., on RFC Form MR–45. These forms are available at the CPA, Washington 25, D. C. Applications on RFC Form MR–45 should be filed with CPA on or before the 15th day of the month previous to the month in which delivery is required. Applicants will be advised by CPA of its action.

(5) *Bureau of the Budget approval.* The above requirements for information to be supplied with the application have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

LIST "A"

Metals and minerals	Minimum sales quantities	Remarks
Aluminum: Primary pig	Minimum carload.	
Asbestos: Rhodesian Chrysotile fiber (grade C and GI, C & G/2) African Amosite fiber (grades 3/DM1, B3 and D3).	Minimum carload.	
Beryl: Ores or concentrates	Minimum carload.	
Bismuth: Metal	1 case	In view o the extremely limited supply, recommendation will be made only for the urgent needs of the Armed Forces or where bismuth metal is required for emergency use for public health and safety and it cannot be supplanted by drugs ordinarily furnished to hospitals and similar institutions.
Cadmium: Metal	100 pounds	In view of the extremely limited supply, recommendation will be made only in cases of emergency.
Chromite: Metallurgical and chemical ores and concentrates.	Minimum carload.	
Copper: Electrolytic or fire refined copper; cathodes, wire bars, cakes, slabs, ingot bars, billet, or bars.	Minimum carload	In view of the extremely limited supply, recommendation will be made only in cases of emergency.
Corundum: Canadian concentrates	No minimum necessary.	
Graphite: Madagascar flake and fines and Ceylon lump.	Minimum carload 10 tons.	
Pig lead	Minimum carload	In view of the extremely limited supply, recommendation will be made only in cases of emergency.
Manganese: Metallurgical ores	Minimum carload.	
Mica: Muscovite block, film and splittings.	No minimum necessary.	
Zinc: Slab, zinc oxide, ores and concentrates.	Minimum carload	In view of the extremely limited supply of metal (slab) and zinc oxide, recommendation will be made only in cases of emergency.

(Pub. Law 404, 79th Cong., 60 Stat. 237)

[SEAL] LEO NIELSON,
Assistant Secretary.

[F. R. Doc. 47-3875; Filed, Apr. 23, 1947; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-386]

PART 170—TRADE PRACTICE RULES RESPECTING THE TERMS "WATERPROOF," "SHOCKPROOF," "NONMAGNETIC," AND RELATED DESIGNATIONS, AS APPLIED TO WATCHES, WATCHCASES, AND WATCH MOVEMENTS

At a regular session of the Federal Trade Commission held at its office in the City of Washingto, D. C., on the 21st day of April 1947.

Due proceedings having been held under the Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act) and other provisions of law administered by the Commission;

It is now ordered, That the Trade Practice Rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of April 24, 1947.

Statement by the Commission. Trade practice rules covering use of the terms "waterproof," "shockproof," "nonmagnetic," and related designations, as applied to watches, watchcases, and watch movements, have today been promulgated by the Federal Trade Commission under the Trade Practice Conference procedure.

Such rules, as hereinafter set forth, clarify requirements for proper use of the terms and have for their purpose the elimination and prevention of deception in the marketing of watches, watchcases, and watch movements, whether of domestic or foreign manufacture, and the maintenance of fair competition among persons, firms, and corporations engaged in the sale, offering for sale, or distribution of these articles.

Provisions of the rules respecting the use of such terms are applicable with respect to every species of advertisement, whether in newspapers, periodicals, sales catalogs, sales promotional literature, on the radio, or otherwise; and also to the use of the terms as a mark, or part of the marking, on any watch, watchcase, or watch movement, or on any label, tag, container, or literature used in connection with the sale, offering for sale, or distribution of such articles.

In the proceeding, instituted upon application from members of the industry, a Trade Practice Conference was held in New York City under the auspices of the Commission. Following the conference, draft of proposed rules in appropriate form was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent suggestions, amendments, or objections as they desired to offer, and to be heard in the premises. Pursuant to the notice, public hearing was held in Washington, D. C., and all matters presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereupon, and after full consideration of the entire matter, the Federal Trade Commission approved the rules in the form set out below.

Such approved rules become operative thirty (30) days after promulgation.

The Rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the pub-

lic. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Group I. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
170.1 Terms "waterproof," "moistureproof," "water sealed," etc.
170.2 Terms "water resistant," "water repellent," etc.
170.3 Terms "shockproof," "shock protected," "shock resistant," etc.
170.4 Term "jarproof."
170.5 Terms "nonmagnetic," "antimagnetic," etc.

AUTHORITY: §§ 170.1 to 170.5, inclusive, issued under 38 Stat. 717, as amended; 15 U. S. C. 41, et seq.

§ 170.1 *Terms "waterproof," "moistureproof," "water sealed," etc.*—(a) *Improper use of the term "waterproof."* It is an unfair trade practice to use the term "waterproof" as descriptive of a watch or watchcase under any false, misleading, or deceptive circumstances or conditions, or in any manner which has the capacity and tendency or effect of causing the purchasing or consuming public to be misled or deceived, or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public.

(b) *Use of term "waterproof" without qualifications or limitations.* This section shall not be construed as prohibiting the application of the word "waterproof" in a nondeceptive manner as descriptive of a watch or watchcase which is of such composition and construction as to be and remain impervious to water and moisture and immune to damage therefrom, through immersion or otherwise, throughout the life of such watch or watchcase.

(c) *Use of the term "waterproof" with qualifications and limitations.* In respect to watchcases or watches which have been manufactured, processed, or finished so as to be, and when sold to the purchasing public are, impervious to water or moisture under Test No. 1 specified in paragraph (d) of this section, and immune to damage from water or moisture, but as to which the continuance of such imperviousness or immunity is contingent upon certain special care or maintenance (such as tightening, or replacing stem packing, back gaskets, etc., after wear, or after opening the case for repairs, adjustment, or for other purposes, again resealing, repacking, or closing the case by specially adapted tools or instruments, or by competent experts or by use of other means or methods, adequate to maintain or restore said imperviousness and immunity to water, moisture, and damage) nothing in this section shall be construed as prohibiting use of the term "waterproof" as descriptive of such watch or watchcase: *Provided,* That in immediate conjunction with the word "waterproof" such term is qualified by full and nondeceptive statement and disclosure of such contingencies and need for said special care and maintenance: *And provided further* That in such use of the term "waterproof" no advertising or trade-promotional set-up, form of labeling, or other type of representation or presentation to the public, is used which is deceptive or misleading as a whole or in any part: *And provided further,* That the term "waterproof" is not used or set forth in such position or at such location on the watch or elsewhere that the necessary qualifying statement or disclosure above specified cannot be shown clearly and fully in immediate conjunction with the term "waterproof."

(d) *Test No. 1, for imperviousness to water and moisture under paragraph (c)* For purposes of determining imperviousness to water and moisture specified in paragraph (c) of this section, the following test shall be acceptable for a watch or watchcase, namely, complete immersion for at least five minutes in water under atmospheric pressure of 15 pounds per square inch and for at least an additional five minutes in water under pressure of at least 35 pounds per square inch, without admitting, or showing any evidence or capacity to admit, any moisture or water. (This test is not to be accepted as showing or indicating the durability of such imperviousness to water or moisture or any time or period during which such imperviousness may continue.)

(e) *Improper use of the terms "moistureproof" "water sealed," "water tight," "water protected," etc.* The foregoing several provisions of this section applicable to the term "waterproof" shall be applicable with like force and effect to the terms "moistureproof," "water sealed," "water tight," "water protected," and words, terms, depictions, or representations of like import. [Rule 1]

§ 170.2 *Terms "water resistant," "water repellent," etc.*—(a) *Improper use of the terms "water resistant," "water repellent," etc.* It is an unfair trade practice to use the term "water resistant" or "water repellent," or any word, expression, depiction, or representation of like import, as descriptive of a watch or watchcase under any false, misleading, or deceptive circumstances or conditions, or in any manner which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public.

(b) *Use of term "water resistant" or "water repellent" in relation to test, etc.* Nothing in this section shall be construed as prohibiting use of the term "water resistant" or "water repellent" as descriptive of a watchcase or watch under the following conditions and limitations, namely, when the watchcase or watch has been so constructed and is of such composition as to provide protection against water or moisture to the extent of meeting the following test, designated as "Test No. 2," or a more severe test, and when, before being placed upon the market by manufacturers, assemblers, importers, or other marketers, the watch and the case have undergone such test: *Provided, however,* That subsequent to undergoing such test and before sale of the product to the purchasing public as and for a water resistant or water repellent watchcase, the water resistant condition thereof has not been impaired or destroyed by opening the case, or otherwise: *And provided further,* That no representation is made which is deceptive in implication, or otherwise, by reason of concealment of material fact or by way of guarantee, warranty, advertisement, label, or other means indicating or tending to indicate that the water resistant condition of the watch or watchcase will remain unaffected throughout the life thereof, or that it will not be affected by opening of the case for repairs or adjustment, or will not be affected by wear or other condition, when such is not the fact.

NOTE: In the interest of avoiding possibilities of misunderstanding and deception of purchasers, members of the industry or marketers of watches or watchcases offered for sale or sold as and for "water repellent" or "water resistant" products should disclose to and inform the purchasing public, when such is the fact, that the water-repellent and water-resistant condition of the watch or case will be or may be destroyed or impaired by, or will not or may not continue after, having been opened for repairs, adjustment, or for other purpose, or because of other contingency encountered in the customary use or wear of the watch, unless the case is again serviced or treated by competent experts or by other methods adequate to renew or restore its condition of water resistance or water repellency.

(c) *Test No. 2; for water resistance or water repellency.* For purposes of this section, the following is deemed an acceptable test for water resistance or water repellency of a watch or watchcase, namely, complete immersion of the case or watch for at least 3 minutes in water at a pressure equivalent to a depth of 26 feet of water under normal atmospheric pressure of 15 pounds per square inch, without admitting, or showing any evidence of capacity to admit, any moisture or water. The so-called vacuum test of complete immersion in water under a vacuum sufficient to be productive of conditions of equivalent or greater severity may be used as an alternate or additional test for purposes of this section. (Neither test is to be accepted, however, as showing or indicating the durability of such water resistant or water repellent condition or any time or period during which such condition may continue.) [Rule 2]

§ 170.3 *Terms "shockproof," "shock protected," "shock resistant," etc.*—(a)

Improper use of terms "shockproof," "shock protected," "shock absorbing," "shock resistant," etc. It is an unfair trade practice to use the term "shockproof," "shock protected," "shock absorbing," "shock resistant," or any other word, expression, depiction, or representation of like import, as descriptive of a watch, watchcase, watch movement, or any part thereof, under any false, misleading, or deceptive circumstances or conditions, or in any manner which has the capacity and tendency or effect of causing the purchasing or consuming public to be misled or deceived, or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public.

(b) *Misuse of designation "unconditionally shock resistant," and the like.* The foregoing provisions of this section, which are applicable to the terms "shockproof" and "shock protected," shall be applicable with like force and effect to such terms or expressions as "unconditionally shock resistant," "100%. shock resistant," "absolutely shock absorbing," and any other superlative or accentuation, or other representation of similar import.

(c) *Use of the terms "shock resistant" and "shock absorbing."* Nothing in this section, however, shall be deemed to prohibit use with superlatives or accentuation of the term "shock resistant" or "shock absorbing" as descriptive of a watch, watch movement, or part thereof, to which a mechanical or other device or type of construction has been adapted and applied by reason of which both balance pivots in such watch or watch movement are protected for shocks, concussions, jolts, or accidental blows of at least that degree of damaging potentialities as would be sustained by said balance pivots in the watch or watch movement when falling in an unprotected condition upon a level solid hardwood floor in any position from a height of three feet: *Provided, however* That no representation is made directly or indirectly by words, statement, depiction, or otherwise, in the use of such terms "shock resistant" and "shock absorbing," or in any other manner indicating or tending to indicate that the shock resisting or shock absorbing properties or condition of the watch or watch movement provided greater or more extensive protection than is in fact true. [Rule 3]

§ 170.4 *Term "jarproof"*—(a) *Improper use of the term "jarproof."* It is an unfair trade practice to use the term "jarproof" as descriptive of a watch, watch movement, or part thereof, under any circumstances or conditions which are false, misleading, or deceptive, or in any manner which has the capacity and tendency or effect of causing the purchasing or consuming public to be misled or deceived, or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public.

(b) *Use when watch fully protected from jars.* Nothing in this section shall be construed as prohibiting use of the term "jarproof" as descriptive of a watch or watch movement when such watch or watch movement has been so constructed or fitted with devices or otherwise prepared as to be and remain immune to damage from jars of any type or degree which are encountered in the uses of a watch or are likely to be experienced in such uses. [Rule 4]

§ 170.5 *Terms "nonmagnetic," "antimagnetic," etc.*—(a) *Improper use of the terms "nonmagnetic," "antimagnetic," etc.* It is an unfair practice to use the terms "nonmagnetic," "antimagnetic," or words, terms, or representations of like import, as descriptive of a watch or watch movement under any false, misleading, or deceptive conditions or circumstances, or in any manner which has the capacity and tendency or effect of causing the purchasing or consuming public to be misled or deceived in respect of the protection or immunity of such product from magnetization or of aiding, abetting, or causing salesmen, dealers, or other marketers to mislead, deceive, or confuse the purchasing or consuming public in respect thereto or in any other respect.

(b) *Use of the term "nonmagnetic."* Nothing in this section shall be construed as prohibiting use of the term "nonmagnetic" as descriptive of a watch, watch movement, or any part thereof, if the same is immune to magnetization, or cannot be magnetized under any conditions of use, or other conditions which are or may be encountered by users.

(c) *Use of the term "antimagnetic."* Nothing in this section shall be construed as prohibiting the use of the term "antimagnetic" as descriptive of a watch or watch movement which is of such composition, construction, or treatment that the metal or substance in the balance, hairspring, and other parts of the movement essential to accurate timekeeping is such that the daily rate of the watch or watch movement, in a demagnetized condition, will not be changed by more than 15 seconds as a result of having been placed in an electrical field of not less than 60 Gauss and therein kept for at least 5 seconds in each of the following positions:

Vertical (with pendant in any position),
Horizontal (with dial either up or down);

Provided, however That in the use of such term "antimagnetic" no representation is made, directly or by implication, whether by the addition of absolute or superlative adjectives or by depiction or other form of representation indicating or tending to indicate that the freedom or immunity of such watch or watch movement from the possibilities of magnetization is greater or more certain than is in fact true. [Rule 5]

Promulgated and issued by the Federal Trade Commission April 24, 1947.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-3889; Filed, Apr. 23, 1947; 8:50 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 137]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B UTILITIES AND LICENSEES

COMMON UTILITY PLANT

APRIL 15, 1947.

The Commission, having under consideration an amendment to § 101.3-15 entitled "Common Utility Plant" of Part 101—Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations; [1] and

It appearing that all persons subject to aforesaid part and Uniform System of Accounts have been given notice of the proposed amendment thereof, including publication of notice in the FEDERAL REGISTER (11 F R. 13144, 13221), and that all such persons as well as interested State and Federal governmental agencies have been afforded an opportunity for the submission of written data, views and suggestions concerning the proposed amendment;

It further appearing that the comments received relating to the revision of the Electric Plant Instruction proposed by the amendment expressed generally a concurrence in or no objection to the proposed amendment, except certain few comments in which suggestions were contained for changing and clarifying the language of the amendment proposed;

It further appearing that the proposed amendment was discussed with and approved by the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners at its meeting in Buffalo, New York, September 18-20, 1946, and that the amendment would not be in conflict with the NARUC's Uniform System of Accounts for Electric Utilities, but rather would be consistent therewith; and

It further appearing that in order that the Commission's practice and application of the Electric Plant Instructions of its Uniform System of Accounts may be set forth clearly in the aforesaid Part and System of Accounts, it is desirable that the proposed amendment be adopted, modified in accordance with certain suggestions referred to above; and

Finding that such action is necessary and appropriate for carrying out the provisions of the Federal Power Act;

The Commission, pursuant to authority vested in it by the Federal Power Act, particularly sections 3 (13), 4 (b), 301 (a) 304 (a) and 309 thereof (49 Stat.

[1] The reference to the Code of Federal Regulations, 18 CFR 101.3-15 corresponds to Electric Plant Account Instruction 15, entitled "Common Utility Plant", appearing at page 52 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, effective January 1, 1937.

839, 854, 855, 858; 16 U. S. C. 796 (13), 797 (b) 825 (a) 825c (a) 825h) hereby adopts, promulgates and prescribes that paragraph (b) of § 101.3–15 entitled "Common Utility Plant" of Part 101—Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, be and it is hereby amended to read as follows:

§ 101.3–15 *Common utility plant.* * * *

(b) The book amount of utility plant designated as common plant shall be included in Account 108, Other Utility Plant, and if applicable in part to the electric department, shall be segregated and accounted for in sub-accounts as electric plant is accounted for in Accounts 100:1 to 100:6, inclusive, and electric plant adjustments in Account 107; any amounts classifiable as common plant acquisition adjustments or common plant adjustments shall be subject to disposition as provided in paragraphs (c) and (d) of Accounts 100.5 and 107, respectively, for amounts classified in those accounts. The original cost of common utility plant in service shall be classified according to detailed utility plant accounts appropriate for the property.[2]

The amendment prescribed by this order shall become effective July 1, 1947. The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER, and further, shall cause to be published in the FEDERAL REGISTER a revision of § 101.3–15 (b) of Part 101 of Subchapter C, Chapter I, Title 18, Code of Federal Regulations, in conformity with this order.

(49 Stat. 839, 854, 855, 858; 16 U. S. C. 796 (13) 797 (b) 825 (a) 825c (a) 825h)

Date of issuance: April 18, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3887; Filed, Apr. 23, 1947; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter I—War Rental Housing Insurance

PART 580—ADMINISTRATIVE RULES FOR WAR RENTAL HOUSING INSURANCE UNDER SECTION 608, NATIONAL HOUSING ACT, FOR MORTGAGES NOT EXCEEDING $200,000.00

FORM OF ASSURANCE OF COMPLETION

The first sentence of § 580.28 (24 CFR Cum. Supp.) is hereby amended to read as follows:

§ 580.28 *Form of assurance of completion.* Assurance for the completion of a project may be either (a) the personal undertaking or obligation in a form and by an obligor or obligors satisfactory to the Commissioner, in an amount at least equal to ten per centum (10%) of the construction cost, or (b) an escrow deposit in an approved depositary of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, in an amount at least equal to ten per centum (10%) of the construction cost, conditioned on completion of the project to the satisfaction of the Commissioner.

(55 Stat. 55, 56 Stat. 305; 12 U. S. C. Sup. 1736–1742)

Issued at Washington, D. C., April 21, 1947.

[SEAL] RAYMOND M. FOLEY, *Federal Housing Commissioner.*

[F. R. Doc. 47-3872; Filed, Apr. 23, 1947; 8:46 a. m.]

PART 581—ADMINISTRATIVE RULES FOR WAR RENTAL HOUSING INSURANCE UNDER SECTION 608, NATIONAL HOUSING ACT, FOR MORTGAGES EXCEEDING $200,000.00

FORM OF ASSURANCE OF COMPLETION

The first sentence of § 581.30 (24 CFR Cum. Supp.) is hereby amended to read as follows:

§ 581.30 *Form of assurance of completion.* Assurance for the completion of a project may be either (a) the personal undertaking or obligation in a form and by an obligor or obligors satisfactory to the Commissioner, in an amount at least equal to ten per centum (10%) of the construction cost, or (b) an escrow deposit in an approved depositary of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, in an amount at least equal to ten per centum (10%) of the construction cost, conditioned on completion of the project to the satisfaction of the Commissioner.

(55 Stat. 55, 56 Stat. 305; 12 U. S. C. Sup. 1736–1742)

Issued at Washington, D. C., April 21, 1947.

RAYMOND M. FOLEY, *Federal Housing Commissioner.*

[F. R. Doc. 47-3871; Filed, Apr. 23, 1947; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5559]

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 42 (1942 edition) (26 CFR, Part 130), relating to the taxes on safe deposit boxes, transportation of oil by pipe line, telephone, telegraph, radio and cable messages and services, and transportation of persons under the provisions of the Internal Revenue Code, to the Excise Tax Act of 1947 (Pub. Law 17, 80th Cong., 1st sess.), approved March 11, 1947, such regulations are amended as follows:

1. The first paragraph of § 130.0 *Scope of regulations,* as amended by Treasury Decision 5347, approved March 15, 1944, is further amended as follows:

a. By inserting immediately after "Revenue Act of 1943" in paragraph (c) "and sections 2, 3, and 4 of the Excise Tax Act of 1947"

b. By inserting immediately after "Revenue Act of 1942" in paragraph (d) "and section 8 (a) of the Excise Tax Act of 1947" and by inserting immediately after "Revenue Act of 1943" in such paragraph "and sections 2, 3, and 4 of the Excise Tax Act of 1947"

2. Immediately preceding § 130.1 *Meaning of terms,* there is inserted the following:

[EXCISE TAX ACT OF 1947]

SEC. 3. Sections * * * 1655 (definition of "date of the termination of hostilities in the present war") of such Code are hereby repealed.

* * * * *

SEC. 8. (a) * * * For the purposes of this section, the words "northern portion of the Western Hemisphere" mean the area lying west of the thirtieth meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America.

3. Section 130.1, as amended by Treasury Decision 5521, approved June 14, 1946, is further amended by striking out paragraph (c) thereof and inserting in lieu of such paragraph the following:

§ 130.1 *Meaning of terms.* * * *

(c) *Northern portion of the Western Hemisphere.* The term "northern portion of the Western Hemisphere" means the area lying west of the thirtieth meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America.

4. Immediately preceding § 130.30 *Effective period,* there is inserted the following:

SEC. 2 [EXCISE TAX ACT OF 1947].

Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war"

5. The second paragraph of § 130.30, added by Treasury Decision 5347, is amended to read as follows:

The increases in rates made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, are effective as of April 1, 1944, and apply to amounts paid on and after that date for services specified in section 3465 (a) (1) (A) and (B) which were rendered on and after that date.

[2] The numbered accounts of the Uniform System of Accounts referred to identify sections contained in Part 101 of the aforesaid Title 18 of the Code of Federal Regulations, e. g., Account 100:1 constitutes § 101.100:1 of the said part and title of the Code; § 101.3–15 (b) corresponds to paragraph "B" of Electric Plant Instruction 15 at page 52 of the pamphlet publication of the Uniform System of Accounts referred to in Note 1, *supra.*

6. Section 130.33, as amended by Treasury Decision 5347, is further amended as follows:

a. The first paragraph of paragraph (a) is amended to read as follows:

§ 130.33 *Rate and application of tax—*(a) *Telephone and radio telephone messages, and conversations.* In the case of each telephone or radio telephone message or conversation where the charge is more than 24 cents, the rate of tax is 25 percent of the amount paid. With respect to the period November 1, 1942, through March 31, 1944, the tax was at the rate of 20 percent of the amount paid. Prior to November 1, 1942, the tax was at the rate of 5 cents for each 50 cents or fraction thereof of the amount paid.

b. The first paragraph of paragraph (b) is amended to read as follows:

(b) *Telegraph, cable, and radio dispatches and messages.* The amount paid for each telegraph, cable, or radio dispatch or message is subject to tax at the rate of 25 percent of the amount paid, except that in the case of each international dispatch or message the rate of tax is 10 percent. With respect to the period November 1, 1942, through March 31, 1944, the tax on each domestic telegraph, cable, or radio dispatch or message was 15 percent. Prior to November 1, 1942, the tax on all telegraph, cable, or radio dispatches or messages was 10 percent.

7. Immediately preceding § 130.36 *Effective period,* as amended by Treasury Decision 5347, there is inserted the following:

SEC. 2 [EXCISE TAX ACT OF 1947].
Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war"

8. The second paragraph of § 130.36, added by Treasury Decision 5347, is amended to read as follows:

The increases in rates made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, apply to amounts paid pursuant to bills rendered on or after May 1, 1944, for services furnished on or after March 1, 1944, for which no previous bill was rendered.

9. Section 130.38, as amended by Treasury Decision 5347, is further amended as follows:

a. The first paragraph of paragraph (a) is amended to read as follows:

§ 130.38 *Rate and application of tax—*(a) *Leased wire, teletypewriter or talking circuit special service.* In the case of leased wire, teletypewriter, or talking circuit special service, the tax is to be computed at the rate of 25 percent of the amount paid therefor. In the case of service taxable under section 3465 (a) (2) prior to modification by section 302 of the Revenue Act of 1943, the tax was at the rate of 15 percent of the amount paid; and in the case of service taxable under section 3465 (a) (2) prior to amendment by section 606 of the Revenue Act of 1942, the tax was at the rate of 10 percent of the amount paid.

b. The first paragraph of paragraph (b) is amended to read as follows:

(b) *Wire and equipment services.* In the case of wire and equipment service the tax is computed at the rate of 8 percent of the amount paid therefor. Prior to April 1, 1944, the rate of tax was 5 percent of the amount paid.

10. Immediately preceding § 130.39 *Effective period,* as amended by Treasury Decision 5347, there is inserted the following:

SEC. 2. [EXCISE TAX ACT OF 1947].
Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

11. The second paragraph of § 130.39, as amended by Treasury Decision 5347, is further amended to read as follows:

The increase in the rate made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, applies to amounts paid pursuant to bills rendered on and after May 1, 1944, for services furnished on or after March 1, 1944, for which no previous bill was rendered.

12. The first paragraph of § 130.41, as amended by Treasury Decision 5347, is further amended to read as follows:

§ 130.41 *Rate and application of tax.* The tax is imposed at the rate of 15 percent of the amount paid by any subscriber for local telephone service or any other telephone service which is not subject to the provisions of section 3465 (a) (1) or (2) of the Code, as amended. (See §§ 130.30 to 130.38.) In the case of service taxable under section 3465 (a) (3) prior to modification by section 302 of the Revenue Act of 1943, the tax was at the rate of 10 percent of the amount paid; and in the case of service taxable under section 3465 (a) (3) prior to amendment by section 606 of the Revenue Act of 1942, the tax was at the rate of 6 percent of the amount paid.

13. Immediately preceding § 130.50 *Effective period,* as amended by Treasury Decision 5347, there is inserted the following:

SEC. 2 [EXCISE TAX ACT OF 1947].
Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war"

14. Section 130.50, as amended by Treasury Decision 5347, is further amended by striking out the last two sentences of such section and inserting in lieu thereof the following: "The further increase in the rate of tax made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, is effective April 1, 1944.

15. The second paragraph of § 130.51 is amended to read as follows:

§ 130.51 *Scope of tax.* * * *
The taxability of a payment for transportation is determined by (1) the place of payment, i. e., whether within or without the United States, and (2) the place where the transportation service is furnished, i. e., whether within or without the northern portion of the Western Hemisphere as provided in § 130.64.

16. The first paragraph of § 130.52, as amended by Treasury Decision 5347, is further amended to read as follows:

§ 130.52 *Rate and application of tax.* The tax is 15 percent of the amount of the taxable payment for transportation. With respect to the period November 1, 1942, through March 31, 1944, the rate of tax was 10 percent of the amount of such taxable payment. Prior to November 1, 1942, the rate of tax was 5 percent of such amount.

17. Section 130.53 *Payments for transportation subject to tax,* is amended by striking out the words "The following are examples of taxable payments for transportation" as they appear immediately following the title of the section, and by inserting in lieu thereof the words "The following are examples of payments for transportation which, unless otherwise exempt under §§ 130.61 through 130.64, inclusive, are subject to tax."

18. Immediately preceding § 130.55 *Effective period,* as amended by Treasury Decision 5347, there is inserted the following:

SEC. 2 [EXCISE TAX ACT OF 1947].
Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war"

19. Section 130.55, as amended by Treasury Decision 5347, is further amended by striking out the last two sentences of such section and inserting in lieu thereof the following: "The further increase in the rate of tax made by section 1650 of the Internal Revenue Code, as amended by section 302 of the Revenue Act of 1943 and section 2 of the Excise Tax Act of 1947, is effective April 1, 1944."

20. The first paragraph of § 130.57, as amended by Treasury Decision 5347 is further amended to read as follows:

§ 130.57 *Rate and application of tax.* The tax is 15 percent of the amount of the taxable payment for the seating or sleeping accommodations. With respect to the period November 1, 1942, through March 31, 1944, the rate of tax was 10 percent of the amount of such taxable payment. Prior to November 1, 1942, the rate of tax was 5 percent of such amount.

21. Immediately following § 130.63 *members of military and naval service,* as amended by Treasury Decision 5190, approved November 30, 1942, there is inserted the following:

SEC. 8 [EXCISE TAX ACT OF 1947].

(a) Section 3469 (a) of the Internal Revenue Code (relating to the tax on transportation of persons) is hereby amended by inserting after the first sentence two new sentences to read as follows: "The tax shall not apply with respect to transportation any part of which is outside the northern portion of the Western Hemisphere, except with respect to any part of such transportation which is from any port or station within the United States, Canada, or Mexico to any other port or station within the United States, Canada, or Mexico. For the purposes of this section, the words 'northern portion of the Western Hemisphere' mean the area lying west of the thirtieth meridian west of Greenwich, east of the International Date Line, and north of the equator, but not including any country of South America."

(b) The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than twenty days after the date of the enactment of this act for transportation on or after such first day.

22. Section 130.64 *Stamp tax*, is renumbered § 130.65, and a new § 130.64 is inserted to read as follows:

§ 130.64 *Transportation outside the northern portion of the Western Hemisphere.* No tax is imposed upon a payment made within the United States on or after April 1, 1947, for transportation, on or after such date, any part of which is outside the northern portion of the Western Hemisphere (for definition of "northern portion of the Western Hemisphere" see § 130.1 (c)) except that the tax shall be collected with respect to any part of such transportation which is from any port or station within the United States, Canada, or Mexico to any other port or station within the United States, Canada, or Mexico. In the case of through transportation from a port or station within the United States, Canada, or Mexico to a point outside the northern portion of the Western Hemisphere with intermediate stops by the carrier en route, the tax attaches with respect to that part of such transportation which is from the originating port or station within the United States, Canada, or Mexico to the last stop within the United States, Canada, or Mexico, made for any purpose other than an emergency, and irrespective of whether the passenger disembarks or a stopover is permitted.

The following examples illustrate the application of this exemption.

Example 1. A purchases a ticket in New York for transportation to Lisbon aboard a vessel or aircraft bound from New York to Lisbon, with a stop at Bermuda. No part of the amount paid by A for his ticket is subject to the tax on transportation of persons.

Example 2. If, in the foregoing example, A decides to disembark at Bermuda and not to continue to Lisbon, A is liable for the tax with respect to the amount paid for transportation to Bermuda and, upon presentation of his ticket for refund, the carrier is required to withhold such tax.

Example 3. B, C, and D purchase tickets in New York for transportation aboard a vessel bound from New York to San Francisco via the Panama Canal, with stops at Trinidad and Venezuela. B's ticket entitles him to transportation to Port of Spain, Trinidad; C's ticket is for Asuncion, Venezuela; and D's ticket is for San Francisco. The amount paid by B is subject to tax since Trinidad is not a country of South America and is within the northern portion of the Western Hemisphere. The amount paid by C is not subject to tax, since Asuncion is located on the island of Nueva Esparta and is included within Venezuela, a country of South America. The amount paid by D is not subject to tax even though the voyage begins at a port within the United States and ends at another port within the United States, since part of the transportation was to Venezuela, a country of South America.

Example 4. E purchases in Chicago a round-trip ticket for transportation by air from Chicago to New York to Newfoundland to London. The amount paid for that part of the transportation between Chicago and New York on both going and return trips is subject to tax. If because of weather or other emergency the aircraft is forced, while on the New York-Newfoundland leg of the journey, to land at Boston, no tax is imposed by reason of such emergency stop.

Example 5. F purchases a ticket in Detroit for transportation from Ottawa to Vancouver to Honolulu to Shanghai. Only the amount paid for transportation from Ottawa to Honolulu is subject to the tax.

Example 6. G charters a plane in New York for transportation to Bogota and pays the charter charges in New York. The plane stops at Miami for refueling. The tax attaches with respect to that part of the transportation which is between New York and Miami.

23. Immediately preceding renumbered § 130.65, there is inserted the following:

SEC. 8 [EXCISE TAX ACT OF 1947].

* * * * *

(c) Effective with respect to tickets sold or issued on or after the first day of the first month which begins more than twenty days after the date of the enactment of this Act, section 1806 of the Internal Revenue Code (relating to stamp tax on passage tickets) is hereby repealed.

24. Renumbered § 130.65 is amended to read as follows:

§ 130.65 *Stamp tax.* Section 554 (c) of the Revenue Act of 1941 made the stamp tax imposed under section 1806 of the Internal Revenue Code, as amended, on passage tickets sold or issued in the United States for passage on any vessel to any port or place not in the United States, Canada, Mexico, Cuba, or Puerto Rico inapplicable where the amount paid for the ticket is subject to the tax imposed under section 3469 of the Code. (See Subpart H of Part 113 of this chapter.) By reason of section 8 (c) of the Excise Tax Act of 1947, passage tickets sold or issued on or after April 1, 1947, are not subject to the stamp tax imposed by section 1806 of the Internal Revenue Code, irrespective of whether the amount paid therefor is subject to the tax imposed under section 3469 of the Code.

Because of the short period of time between March 11, 1947, the date of approval of the Excise Tax Act of 1947, and April 1, 1947, the date on which, pursuant to such act, the amendment to section 3469 of the Internal Revenue Code becomes effective, and because of the technical nature of the amendments made herein, it is found that it is impracticable and unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective on April 1, 1947.

(Secs. 3791 and 3472 of the Internal Revenue Code (53 Stat. 467, 423, 55 Stat. 722; 26 U. S. C. and Sup. 3791, 3472))

WIL. T. SHERWOOD,
Acting Commissioner of Internal Revenue.

Approved: April 18, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-3836; Filed, Apr. 23, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Sugar Rationing Administration,[1] Department of Agriculture

[Rev. Gen. RO 5,[2] Amdt. 20]

PART 705—ADMINISTRATION

SUGAR RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1305.202 of Title 32, Chapter XI is designated Revised General Ration Order 5, issued under § 705.1, Title 32, Chapter VII pursuant to the authority vested in the Secretary of Agriculture by the "Sugar Control Extension Act of 1947" and is amended in the following respect:

1. Section 5.7 (a) is amended to read as follows:

(a) The meal service and refreshment allotments under this order (except allotments issued under §§ 5.6, 7.10, 11.6, 12.1, 26.2, 27.2 and 27.3) shall be increased by forty percent (40%) for the May-June, 1947, and subsequent allotment periods.

This amendment shall become effective this 1st day of May 1947.

Issued this 17th day of April 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Sugar Rationing Administration, Department of Agriculture, Rationale Accompanying Amendment No. 20 to Revised General Ration Order 5

Proposed amendment. This amendment provides that meal service and refreshment allotments issued under this order (except allotments issued under §§ 5.6, 7.10, 11.6, 12.1, 26.2, 27.2, and 27.3) shall be increased by forty percent for the May-June 1947 and subsequent allotment periods.

Reason for amendment. Because of the increase in the civilian sugar alloca-

[1] Formerly Chapter XI, Office of Temporary Controls, Office of Price Administration.

[2] 11 F. R. 116.

tion made for the second quarter of 1947, a determination was made, prior to April 1, 1947, to increase the amount of sugar available to consumers, institutional and industrial users. Accordingly, an amendment, issued on March 10, 1947, validated a consumer stamp, good for ten pounds of sugar, on and after April 1, 1947. Further, an amendment to the sugar rationing regulations, effective March 10, 1947, increased the allotments to be issued to industrial users by approximately twenty-five percent for the allotment periods on and after April 1, 1947. Since institutional user allotments are issued for a two-month period rather than a three-month period, as for industrial users, the corresponding increase in allotments for institutional users is made effective beginning with the May-June allotment period.

By this amendment the allotments for institutional users for the May-June and subsequent allotment periods are increased by approximately 25% which represents approximately the same increase which was granted to industrial users for the second quarter of 1947.

[F. R. Doc. 47-3959; Filed, Apr. 23, 1947; 11:30 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS

PART 12—PRIVATE LANDS SUBJECT TO EXCLUSIVE JURISDICTION OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

On February 11, 1947, notice of intention to amend § 2.32 (e) of the rules and regulations of the National Park Service was published in the daily issue of the Federal Register (12 F. R. 959) Interested persons were thereby given an opportunity to participate in preparing the amendments by submitting data or arguments within 30 days from date of publication of the notice. No communications, written or oral, having been received within the prescribed period, the said rules and regulations are hereby amended as hereinafter set forth and are hereby promulgated.

1. Section 2.32 *Private lands* is amended as follows:

a. Paragraph (e) is revoked.

b. Paragraph (f) is redesignated paragraph (e)

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

2. Part 12 and the following sections are added to Chapter I:

Sec.
12.1 Applicability.
12.2 Fishing.
12.3 Fires.
12.4 Protection of wildlife.
12.5 Firearms.
12.6 Gambling.
12.7 Discrimination in furnishing public accommodations.

AUTHORITY: §§ 12.1 to 12.7, inclusive, issued under sec. 3, 39 Stat. 535; 16 U. S. C. 3.

§ 12.1 *Applicability.* The regulations in this part shall be applicable to privately owned lands within the following national parks, exclusive jurisdiction over which is vested in the United States: Crater Lake, Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite.

§ 12.2 *Fishing.* (a) Any person fishing in the waters of the parks listed in § 12.1 shall secure a sport fishing license as required by the laws of the state in which such waters of the park are situated, except that no such said license shall be required of any person fishing in the waters of Glacier, Mount McKinley, Mount Rainier, Olympic, and Yellowstone National Parks.

(b) All fishing in the waters of the parks listed in § 12.1 shall be done in conformity with the laws of the state or territory in which such waters of the park are situated regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs:

(c) Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hands, is prohibited.

(d) Fishing in particular waters may be suspended, or restricted, in regard to the use of particular kinds of bait under special regulations.

(e) The number of fish that may be taken by one person in any one day from the various lakes and streams shall be limited to 10 fish, unless otherwise provided by special regulations.

(f) Possession of more than 2 days' catch by any person at any one time is prohibited, unless otherwise provided by special regulations.

(g) No fish less than 6 inches long may be retained unless a different limit be established by special regulations. All fish hooked less than such limit in length shall be carefully handled with moist hands and returned at once to the water if not seriously injured. Undersized fish retained because seriously injured shall be counted in the number of fish which may be taken in one day.

(h) The possession of live or dead minnows, chubs, or other bait fish, or the use thereof as bait, is prohibited.

(i) The canning or curing of fish for the purpose of transporting them out of any of the said parks is prohibited.

(j) The possession of fishing tackle or fish upon or along any waters closed to fishing shall be prima facie evidence that the person or persons having such fishing tackle or fish are guilty of unlawful fishing in such closed waters.

(k) State fishing licenses, where required, and all fish taken shall be exhibited, upon demand, to any person authorized to enforce the provisions of the regulations in this part.

§ 12.3 *Fires.* (a) Fires on privately-owned lands within any of the parks listed in § 12.1 shall not be kindled near or on the roots of trees, dead wood, moss, dry leaves, forest mold, or other vegetable refuse, but in some open space on rocks or earth. On public campgrounds the regular fireplaces constructed for the convenience of visitors shall be used. Should camp be made in a locality where no such open space exists or is provided, the dead wood, moss, dry leaves, etc., shall be scraped away to the rock or earth over an area considerably larger than that required for the fire.

(b) Fires shall be lighted on privately-owned lands within the said parks only when necessary, and, when no longer needed, shall be completely extinguished, and all embers and beds smothered with earth or water, so that there remains no possibility of reignition.

(c) Permission to burn in connection with any cleanup operation on privately-owned lands within the said parks shall first be obtained, in writing, from the office of the superintendent, and in such cases as it is deemed advisable such burning will be under Government supervision. All costs of suppression and all damage caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

(d) No lighted cigarette, cigar, pipe heel, match, or other burning material shall be thrown from any vehicle or saddle horse or dropped into any grass, leaves, twigs, tree mold, or other combustible or inflammable material on any privately owned lands within any of the said parks.

(e) The building of fires on privately owned lands within the said parks may be prohibited or limited by the superintendent when, in his judgment, the hazard makes such action necessary.

§ 12.4 *Protection of wildlife.* (a) The parks are sanctuaries for wildlife of every sort, and all hunting, or the killing, wounding, frightening, capturing, or attempting to kill, wound, frighten, or capture at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited on privately owned lands within the parks listed in § 12.1.

(b) Unauthorized possession on privately owned lands within any of the said parks of the dead body, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section.

(c) The carcasses of animals or birds or parts thereof, unlawfully taken or possessed on privately owned lands within any of the said parks, shall be seized and shall be disposed of as the Director may prescribe.

(d) During the hunting season, arrangements shall be made at entrance stations to identify and transport within or through the said parks, where necessary, the carcasses of birds or animals legally killed outside the parks.

§ 12.5 *Firearms.* Firearms, explosives, traps, seines, and nets are prohibited on privately owned lands within the parks listed in § 12.1, except upon written permission of the superintendent.

§ 12.6 *Gambling.* Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited on privately owned lands within the parks wherein the regulations of this part are applicable.

§ 12.7 *Discrimination in furnishing public accommodations.* The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodation within any of the parks listed in § 12.1 are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges offered to or enjoyed by the general public.

The regulations in this part shall become effective on and after April 1, 1947. The regulations in this part are a reissuance, with minor amendments, of existing regulations for the purpose of consolidating the regulations now applicable to private lands within National Parks which are subject to the exclusive sovereign jurisdiction of the United States, and to facilitate future amendment of such regulations in accordance with the Administrative Procedure Act of June 11, 1946 (60 Stat. 237)

Issued this 25th day of March 1947.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-3890; Filed, Apr. 23, 1947; 9:06 a. m.]

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

DOGS RUNNING AT LARGE

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), I, Clinton P. Anderson, Secretary of Agriculture, do hereby amend Regulation T-7½ of the rules and regulations governing the occupancy, use, protection, and administration of the National Forests, which constitutes § 261.7a, Chapter II, Title 36, Code of Regulations, to read as follows:

§ 261.7a *Dogs running at large.* The following acts are prohibited on lands of the United States within the boundaries of the Sylamore Ranger District, Ozark National Forest, Arkansas, The George Washington and Jefferson National Forests, Virginia, and The Beaver Creek Wildlife Management Area, Laurel Ranger District, Cumberland National Forest, Kentucky.

Permitting dogs to run at large, or having in possession dogs not in leash or confined. [Reg. T-7½]

(30 Stat. 35, 33 Stat. 628; 16 U. S. C. 551, 472)

In testimony whereby, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 21st day of April 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-3901; Filed, Apr. 23, 1947; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR-47-18]

PROMULGATION OF REGULATIONS

By virtue of authority vested in me by section 101 of the Reorganization Plan No. 3 of 1946, I declare that the amendments to the regulations contained in document numbered CGFR-47-10 (F. R. Doc. 47-2103) and published in the FEDERAL REGISTER dated March 7, 1947, 12 F. R. 1549, shall be in effect on and after May 1, 1947.

All Coast Guard actions on applications, examinations, tests, or other matters pending before the Coast Guard on the effective date of the new regulations in Subchapter B—Merchant Marine Officers and Seamen will be in accordance with the regulations under which the actions were initiated. All persons who were qualified under the regulations which were cancelled but who were unable to submit applications for licenses or certificates before the effective date of the regulations in Subchapter B—Merchant Marine Officers and Seamen may submit such applications until June 30, 1947 and all actions by the Coast Guard with respect to such applications will be in accordance with the regulations in effect before Subchapter B became effective.

As the licenses issued to officers and certificates issued to seamen do not generally distinguish between service on merchant tank vessels and on other merchant vessels, and in order that the reconversion of the merchant marine from a wartime to a peacetime basis can be accomplished without confusion, I find that these are good causes for declaring that the rules and regulations promulgated under the authority of R. S. 4417a (46 U. S. C. 391a) shall become effective before 90 days have elapsed after their promulgation and publication in the FEDERAL REGISTER March 7, 1947 (12 F. R. 1549).

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF DECK AND ENGINEER OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

The regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1550, shall be in effect on and after May 1, 1947.

PART 12—CERTIFICATION OF SEAMEN

The regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1566, shall be in effect on and after May 1, 1947.

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 25—REQUIREMENTS FOR ALL MOTORBOATS EXCEPT THOSE OF OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

PART 27—REQUIREMENTS FOR MOTORBOATS AND MOTOR VESSELS OF MORE THAN 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter D—Tank Vessels

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter H—Great Lakes: General Rules and Regulations

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1572, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter J—Rivers: General Rules and Regulations

PART 115—LICENSED OFFICERS

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F. R. 1573, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F R. 1573, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN: REGULATIONS DURING EMERGENCY

The cancellation of regulations in this part as published in the FEDERAL REGISTER March 7, 1947, 12 F R. 1573, shall be effective on and after May 1, 1947, subject to the conditions set forth in this document.

Dated: April 17, 1947.

[SEAL] J. F. FARLEY,
Admiral, U S. Coast Guard,
Commandant.

[F. R. Doc. 47-3874; Filed, Apr. 23, 1947; 8:46 a. m.]

[CGFR 47-20]

MISCELLANEOUS AMENDMENTS

A notice regarding the proposed changes in the dangerous cargo regulations governing the transportation of chlorine in bulk and in the regulations for the use of liquefied petroleum gases for cooking and heating on vessels other than passenger vessels was published in the FEDERAL REGISTER, dated February 18, 1947 (12 F R. 1109) and a public hearing was held by the Merchant Marine Council on March 27 and 28, 1947, at Washington, D. C.

The purpose for the amendments to dangerous cargo regulations in 46 CFR 146.24-15, regarding the transportation of liquid chlorine in bulk, is to provide for customary operational practices followed by carriers. The general basis, purpose and application of dangerous cargo regulations is set forth in 46 CFR Cum. Supp. 146.01-1 to 146.01-12, inclusive. All the written and oral comments and suggestions were considered by the Merchant Marine Council and where practicable incorporated into the amendments to the regulations.

The purpose for the regulations for using liquefied petroleum gases for cooking and heating purposes on vessels other than passenger vessels is to provide minimum safety and fire prevention requirements. The Merchant Marine Council at a public hearing held October 22, 1946, in accordance with the announcement published in the FEDERAL REGISTER dated September 27, 1946 (11 F R. 11014) postponed, because of the rapid increase in the use of liquefied petroleum gases, final recommendations until further study of the subject was made and additional suggestions could be received. The regulations in 46 CFR 32.9-11, 61.25, 77.24, 95.24, and 114.25, as set forth in this document, are based on the comments and suggestions made at the public hearings held October 22, 1946 and March 28, 1947.

By virtue of the authority vested in me the following amendments to the regulations are prescribed, which shall become effective on the ninety-first day after the date of publication of this document in the FEDERAL REGISTER:

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

Section 30.1 is amended to read as follows:

§ 30.1 *Basis and purpose of regulations.* By virtue of authority vested in the Commandant of the Coast Guard under section 101 of the Reorganization Plan No. 3 of 1946 (11 F. R. 7875) R. S. 4405 and 4417a, as amended, and section 5 (e) of the act of June 6, 1941 (46 U. S. C. 375, 391a, 50 U. S. C. 1275), the rules and regulations in this subchapter are prescribed for all tank vessels in accordance with the intent of the various statutes and to obtain their correct and uniform administration. (R. S. 4405, 4417a, as amended, sec. 5 (e) 55 Stat. 244; 46 U. S. C. 375, 391a, 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

PART 32—REQUIREMENTS FOR HULLS, MACHINERY AND EQUIPMENT

EQUIPMENT AND MISCELLANEOUS

Part 32 is amended by adding a new § 32.9-11, reading as follows:

§ 32.9-11 *Liquefied petroleum gases for cooking and heating—TB/ALL*—(a) *Liquefied petroleum gas (definition)* For purposes of this section "liquefied petroleum gas" shall be defined as any liquefied inflammable gas which is composed predominantly of hydrocarbons or mixtures of hydrocarbons, such as propane, propylene, butanes, butylenes, and butadienes, and which has a Reid[1] vapor pressure exceeding 40 pounds per square inch absolute or a vapor pressure exceeding 25 pounds per square inch gage at 100° F., as determined by the Natural Gasoline Association of America's[2] method or other recognized test method.

(b) *Approvals.* Liquefied petroleum gas may be used on inspected vessels, except passenger vessels, *Provided.*

(1) Gas consuming appliances are approved for use of liquefied petroleum gas by the American Gas Association Testing Laboratories (as indicated by label or seal of approval for liquefied petroleum gas on stationary installations) and are also approved by the Commandant.

(2) Cylinders or drums in which liquefied petroleum gas is stored and handled shall comply with Interstate Commerce Commission specifications and retest requirements for the specific gas filled therein.

(3) The relief valves, shut off valves, excess flow valves, pressure regulators, and vaporizer, when used, shall conform to the requirements of and bear the label of the Underwriters Laboratories, Inc., or other recognized testing laboratory.

(4) The location and installation of gas burning appliances, gas cylinders and regulating equipment, together with all piping must be approved by the Commandant.

(c) *Odorization of gas.* All liquefied petroleum gas used on vessels shall be effectively odorized by an agent of such character as to indicate positively by a distinctive odor the presence of gas down to a concentration in air of not over ⅕ the lower limit of combustibility.

(d) *Location and securing of containers.* (1) Cylinders shall be located in a substantially constructed and firmly fixed metal inclosure located on or above the weather deck level. Access to this inclosure shall be from the weather deck only. This inclosure shall be so constructed that when the access opening is closed any gas leakage can escape only through a top and bottom ventilating system which shall consist of a fresh air inlet pipe and an exhaust pipe both entering the inclosure from above.

(2) Cylinders or drums located within the metal inclosure shall be suitably secured in place.

(3) Storage of spare and empty cylinders must be within the metal inclosure or they must be properly chocked on the weather deck.

(e) *Valves and regulators.* (1) A spring loaded relief valve shall be incorporated in the system, its size and pressure setting to be according to Interstate Commerce Commission's requirements, and it shall be located and vented within the metal inclosure. This relief valve must be located on or between the cylinder and the pressure regulator.

(2) The low pressure side of all pressure regulators shall be protected against excessive pressure by means of a suitable relief valve which shall discharge into the metal inclosure.

(3) All regulator vents must discharge into the metal inclosure.

(4) All valves and regulators embodied in the system for the purpose of pressure relief, regulation, and control of gas pressure and flow rates, shall be securely mounted in positions readily accessible for inspection, maintenance, and testing.

(5) Valves in the assembly of multiple cylinder systems shall be so arranged that the change of cylinders may be made without shutting down the system.

(6) A shut-off valve shall be installed in each branch connection.

(f) *Vaporizers.* Where a vaporizer is required approval shall be obtained from the Commandant.

(g) *Piping and fittings.* (1) All piping shall be installed so as to provide minimum interior runs with adequate flexibility.

(2) The piping between the cylinders and the appliances shall be seamless annealed copper tubing or any other tubing approved by the Commandant. The tubing connections shall be flared and the number held to a minimum.

(3) All piping or tubing shall be tested (such as with a manometer employing

[1] American Society for Testing Materials Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method) (D-323), most recent revision.

[2] Natural Gasoline Association of America Tentative Standard Method for Determination of Vapor Pressure of Liquefied Petroleum Gas Products, most recent revision.

water) after assembly and at each annual inspection and proved free from leaks at not less than normal operating pressures. Tests may be made by qualified persons acceptable to the Officer in Charge, Marine Inspection, and one copy of a report of such test shall be posted and another copy forwarded to the Officer in Charge, Marine Inspection, in the district in which the test was made.

(h) *Ventilation of compartments having gas appliances.* (1) Compartments which are located above the weather deck and which contain gas consuming devices shall be ventilated by openings to the outside near the deck level and by openings overhead or near the overhead in the compartment. Mechanical ventilators may also be provided.

(2) Where compartments in which gas consuming devices are located are entirely below the weather deck, mechanical ventilation shall be provided with sufficient capacity to effect a change of air at least once every six minutes.

(i) *Identification and instructions.* (1) The outside of metal inclosure housing liquefied petroleum gas cylinders, valves and regulators shall be marked:

Liquefied Petroleum Gas
Keep Open Fires Away
Operating Instructions
Inside and In--------

(2) Operating instructions shall be framed under glass and shall be posted prominently, both in the interior of the metal inclosure and near the most frequently used gas consuming device, so they may be easily read.

(j) *Operating instructions.* (1) Before opening a cylinder valve, the outlet of cylinder shall be connected tightly to system; and, in the case where only a single cylinder is used in the system, all appliance valves and pilots must be shut off before the cylinder valve is opened.

(2) Before opening cylinder valve after connecting it to system, the cylinder shall be securely fastened in place.

(3) When cylinders are not in use their outlet valves shall be kept closed.

(4) Cylinders when exhausted shall have their outlet valves closed.

(5) Nothing shall be stored in the metal inclosure except liquefied petroleum gas cylinders and permanently fastened parts of the system.

(6) Valve protecting caps if provided shall be firmly in place on all cylinders not attached to the system. Caps for cylinders in use may remain in metal inclosure if rigidly fastened to the metal inclosure structure.

(7) The opening into the metal inclosure must be closed at all times except when access is required to change cylinders or maintain equipment.

(8) Gas pressure to consuming devices should be approximately eleven inches water column (6.4 oz. per square inch)

(9) No smoking should be permitted in the vicinity of the metal inclosure when access to inclosure is open.

(10) If electric connections are made within the metal inclosure they must be installed in strict accordance with the requirements of the National Electrical Code[1] for Class I, Group D, Hazardous Locations.

(11) Tests for gas leaks should be made with a soap solution or low freezing point liquids but in no case shall a flame be used.

(12) Report any presence of gas odor to ------- (R. S. 4405, 4417a, as amended, sec. 5 (e) 55 Stat. 244; 46 U. S. C. 375, 391a, 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.25 is amended to read as follows:

§ 61.25 *Liquefied petroleum gases for cooking and heating—(a) Liquefied petroleum gas (definition)* For purposes of this section "liquefied petroleum gas" shall be defined as any liquefied inflammable gas which is composed predominantly of hydrocarbons or mixtures of hydrocarbons, such as propane, propylene, butanes, butylenes, and butadienes, and which has a Reid[2] vapor pressure exceeding 40 pounds per square inch absolute or a vapor pressure exceeding 25 pounds per square inch gage at 100° F., as determined by the Natural Gasoline Association of America's[3] method or other recognized test method.

(b) *Approvals.* Liquefied petroleum gas may be used on inspected vessels, except passenger vessels: *Provided,*

(1) Gas consuming appliances are approved for use of liquefied petroleum gas by the American Gas Association Testing Laboratories (as indicated by label or seal of approval for liquefied petroleum gas on stationary installations) and are also approved by the Commandant.

(2) Cylinders or drums in which liquefied petroleum gas is stored and handled shall comply with Interstate Commerce Commission specifications and retest requirements for the specific gas filled therein.

(3) The relief valves, shut off valves, excess flow valves, pressure regulators, and vaporizer, when used, shall conform to the requirements of and bear the label of the Underwriters Laboratories, Inc., or other recognized testing laboratory.

(4) The location and installation of gas burning appliances, gas cylinders and regulating equipment, together with all piping must be approved by the Commandant.

(c) *Odorization of gas.* All liquefied petroleum gas used on vessels shall be effectively odorized by an agent of such character as to indicate positively by a distinctive odor the presence of gas down to a concentration in air of not over ⅕ the lower limit of combustibility.

(d) *Location and security of containers.* (1) Cylinders shall be located in a substantially constructed and firmly fixed metal inclosure located on or above the weather deck level. Access to this inclosure shall be from the weather deck only. This inclosure shall be so constructed that when the access opening is closed any gas leakage can escape only through a top and bottom ventilating system which shall consist of a fresh air inlet pipe and an exhaust pipe both entering the inclosure from above.

(2) Cylinders or drums located within the metal inclosure shall be suitably secured in place.

(3) Storage of spare and empty cylinders must be within the metal inclosure or they must be properly chocked on the weather deck.

(e) *Valves and regulators.* (1) A spring loaded relief valve shall be incorporated in the system, its size and pressure setting to be according to Interstate Commerce Commission's requirements, and it shall be located and vented within the metal inclosure. This relief valve must be located on or between the cylinder and the pressure regulator.

(2) The low pressure side of all pressure regulators shall be protected against excessive pressure by means of a suitable relief valve which shall discharge into the metal inclosure.

(3) All regulator vents must discharge into the metal inclosure.

(4) All valves and regulators embodied in the system for the purpose of pressure relief, regulation, and control of gas pressure and flow rates, shall be securely mounted in positions readily accessible for inspection, maintenance, and testing.

(5) Valves in the assembly of multiple cylinder systems shall be so arranged that the change of cylinders may be made without shutting down the system.

(6) A shut off valve shall be installed in each branch connection.

(f) *Vaporizers.* Where a vaporizer is required approval shall be obtained from the Commandant.

(b) *Piping and fittings.* (1) All piping shall be installed so as to provide minimum interior runs with adequate flexibility.

(2) The piping between the cylinders and the appliances shall be seamless annealed copper tubing or any other tubing approved by the Commandant. The tubing connections shall be flared and the number held to a minimum.

(3) All piping or tubing shall be tested (such as with a manometer employing water) after assembly and at each annual inspection and proved free from leaks at not less than normal operating pressures. Tests may be made by qualified persons acceptable to the Officer in Charge, Marine Inspection, and one copy of a report of such test shall be posted and another copy forwarded to the Officer in Charge, Marine Inspection, in the district in which the test was made.

(h) *Ventilation of compartments having gas appliances.* (1) Compartments which are located above the weather deck and which contain gas consuming

[1] A copy of this Code, National Board of Fire Underwriters' pamphlet No. 70, has been filed with this document in the Division of the Federal Register. Copies are also on file with the various Coast Guard District Commanders for reference purposes.

[2] American Society for Testing Materials Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method) (D-323), most recent revision.

[3] Natural Gasoline Association of America Tentative Standard Method for Determination of Vapor Pressure of Liquefied Petroleum Gas Products, most recent revision.

devices shall be ventilated by openings to the outside near the deck level and by openings overhead or near the overhead in the compartment. Mechanical ventilators may also be provided.

(2) Where compartments in which gas consuming devices are located are entirely below the weather deck, mechanical ventilation shall be provided with sufficient capacity to effect a change of air at least once every six minutes.

(i) *Identification and instructions.* (1) The outside of metal inclosure housing liquefied petroleum gas cylinders, valves and regulators shall be marked:

Liquefied Petroleum Gas
Keep Open Fires Away
Operating Instructions
Inside and In_____

(2) Operating Instructions shall be framed under glass and shall be posted prominently, both in the interior of the metal inclosure and near the most frequently used gas consuming device so they may be easily read.

(j) *Operating instructions.* (1) Before opening a cylinder valve, the outlet of cylinder shall be connected tightly to system; and, in the case where only a single cylinder is used in the system, all appliance valves and pilots must be shut off before the cylinder valve is opened.

(2) Before opening cylinder valve after connecting it to system, the cylinder shall be securely fastened in place.

(3) When cylinders are not in use their outlet valves shall be kept closed.

(4) Cylinders when exhausted shall have their outlet valves closed.

(5) Nothing shall be stored in the metal inclosure except liquefied petroleum gas cylinders and permanently fastened parts of the system.

(6) Valve protecting caps if provided shall be firmly in place on all cylinders not attached to the system. Caps for cylinders in use may remain in metal inclosure if rigidly fastened to the metal inclosure structure.

(7) The opening into the metal inclosure must be closed at all times except when access is required to change cylinders or maintain equipment.

(8) Gas pressure to consuming devices should be approximately eleven inches water column (6.4 oz. per square inch)

(9) No smoking should be permitted in the vicinity of the metal inclosure when access to inclosure is open.

(10) If electric connections are made within the metal inclosure they must be installed in strict accordance with the requirements of the National Electrical Code[1] for Class I, Group D, Hazardous Locations.

(11) Tests for gas leaks should be made with a soap solution or low freezing point liquids but in no case shall a flame be used.

(12) Report any presence of gas odor to _____. (R. S. 4405, 4426, 4470, 4471, 4477 and 4479, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 404, 463, 463a, 464, 470, 472; 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

[1] A copy of this Code, National Board of Fire Underwriters' pamphlet No. 70, has been filed with this document in the Division of the Federal Register. Copies are also on file with the various Coast Guard District Commanders for reference purposes.

Subchapter H—Great Lakes: General Rules and Regulations

PART 77—FIRE APPARATUS; FIRE PREVENTION

Section 77.24 is amended to read as follows:

§ 77.24 *Liquefied petroleum gases for cooking and heating.* (See § 61.25 of this chapter, as amended, which is identical with this section.) (R. S. 4405, 4426, 4470, 4471, 4477 and 4479, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e) 55 Stat. 244; 46 U. S. C. 367, 375, 404, 463, 463a, 464, 470, 472; 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F R. 7875)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 95—FIRE APPARATUS; FIRE PREVENTION

Section 95.24 is amended to read as follows:

§ 95.24 *Liquefied petroleum gases for cooking and heating.* (See § 61.25 of this chapter, as amended, which is identical with this section.) (R. S. 4405, 4426, 4470, 4471, 4477 and 4479, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 404, 463, 463a, 464, 470, 472; 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Subchapter J—Rivers: General Rules and Regulations

PART 114—FIRE APPARATUS; FIRE PREVENTION

Section 114.25 is amended to read as follows:

§ 114.25 *Liquefied petroleum gases for cooking and heating.* (See § 61.25 of this chapter, as amended, which is identical with this section.) (R. S. 4405, 4426, 4470, 4471, 4477 and 4479, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5 (e) 55 Stat. 244; 46 U. S. C. 367, 375, 404, 463, 463a, 464, 470, 472; 50 U. S. C. 1275; sec. 101, Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Section 146.24–15 is amended by deleting paragraph (k) and by changing paragraph (j) to read as follows:

§ 146.24–15 *Liquid chlorine in bulk.* * * *

(j) Cargo tanks shall be examined and retested every two years in the presence of an inspector of the Coast Guard. The examination shall consist of a thorough internal and external inspection. The hydrostatic test shall be at a pressure of 450 pounds per square inch. The relief valve or valves shall be dismantled, overhauled, and reset at the time of this biennial inspection. Said valve or valves may be dismantled, overhauled, and reset at such other times as is the desire of the carrier; provided such dismantling, overhauling, and reseting are made with the cognizance of and under such conditions as are agreed upon with the Officer in Charge, Marine Inspection. Upon satisfactory conclusion of test at the time of the biennial inspection, the inspector shall stamp upon the tank the date and other identification necessary to indicate authority for continued use of the cargo tanks and relief valves. When a carrier finds it necessary to replace a relief valve, he shall report the change in writing to the Officer in Charge, Marine Inspection, in the district where the change took place or at the first port of call. The replacement shall be the same size, capacity, and material as the replaced valve and shall be set to relieve at the safe working pressure of the tank.

(R. S. 4472, as amended; 46 U. S. C. 170; and Reorganization Plan No. 3 of 1946; 11 F. R. 7875)

Dated: April 17, 1947.

[SEAL] J. F FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-3873; Filed, Apr. 23, 1947; 8:46 a. m.]

Chapter II—United States Maritime Commission

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Rev. G. O. 24, Supp. 1]

PART 284—VALUATION OF VESSELS FOR DETERMINING CAPITAL EMPLOYED AND NET EARNINGS UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

ADJUSTMENTS FOR DEPRECIATION

Paragraph (f) *Adjustments for depreciation* of § 284.2 *Basis of valuation* (originally subparagraph (f) of paragraph (2) of General Order 24, Revised) is amended by changing the comma at the end of the first paragraph thereof to a colon and adding the following: "And *provided further* That the residual values of 'war-built vessels' acquired from the Commission by purchase under section 4 or exchange under section 8 of the Merchant Ship Sales Act of 1946 or with respect to which the prior sales price is adjusted pursuant to section 9 of that act shall be deemed to be 2½ per cent of the prewar domestic cost thereof, as established by the Commission under the Merchant Ship Sales Act of 1946 and published in the FEDERAL REGISTER."

(49 Stat. 1987, as amended by 52 Stat. 964, 60 Stat. 41, 46 U. S. C. 1114)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

APRIL 18, 1947.

[F R. Doc. 47-3892; Filed, Apr. 23, 1947; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 260, Amdt. 8]

PART 95—CAR SERVICE

SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of April A. D. 1947.

Upon further consideratiton of the provisions of Service Order No. 260 (9 F. R. 14547) as amended (10 F. R. 4818; 11 F. R. 8452, 13639; 12 F. R. 48, 128, 1394, 2037) and good cause appearing therefor: It is ordered, that:

Section 95.260 *Salting of ice on cars of citrus,* of Service Order No. 260, as amended, be, and it is hereby, further amended by adding the following exception to paragraph (a) thereof:

Exception. The provisions of this section, during the effectiveness of this amendment, shall not apply to the salting, at regular icing stations en route, with not to exceed three percent (3%) salt, of ice in the bunkers of refrigerator cars, shipped from any origin in the State of Florida, loaded with straight carloads of oranges or grapefruit or mixed carloads of oranges and grapefruit.

Effective date. This amendment shall become effective at 12:01 a. m., April 20, 1947.

Expiration date. This amendment shall expire at 11:59 p. m., June 30, 1947.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-3834; Filed, Apr. 23, 1947; 8:59 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 142]

[Treasury Decision 5438]

TAX-FREE WITHDRAWALS OF CIGARS FROM CUSTOMS BONDED WAREHOUSE, CLASS 6

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form herewith are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Customs, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 2135 of the Internal Revenue Code, 53 Stat. 234; sec. 3, 44 Stat. 1382; sec. 556, 46 Stat. 743 (26 U. S. C. 2135, 5 U. S. C. 281b; 19 U. S. C. 1556)

Treasury Decision 5438, approved February 7, 1945 (26 CFR, Part 142), is amended as follows:

(A) By inserting immediately following the heading "Table of Contents" an additional center heading as follows: "Subpart A"

(B) By changing the first line of the table of contents reading "142.0 Scope of regulations" to read "142.0 Scope of "Subpart A"

(C) By inserting immediately following the table of contents the following:

SUBPART B

142.20 Scope of Subpart B.
142.21 Definitions.
142.22 Shipment restricted.
142.23 Bond.
142.24 Packing, marking or branding.
142.25 Shipping containers.
142.26 Application for withdrawal.
142.27 Inspection and verification of shipment.
142.28 Report of inspecting officer.
142.29 Delay in withdrawal of shipment; cancelation of shipment.
142.30 Change in consignee.
142.31 Withdrawal of shipment and disposition of original of application, Form 550.
142.32 Return of shipment to warehouse.
142.33 Tax liability.
142.34 Credit for shipment.
142.35 Penalties.

(D) By inserting immediately preceding § 142.0 a center heading as follows: "Subpart A"

(E) By substituting for the words "these regulations" wherever occurring in §§ 142.0 to 142.15, inclusive, the words "the regulations in this subpart"

(F) By changing the heading of § 142.0 *Scope of regulations* to read *Scope of Subpart A.*

(G) By inserting in the first sentence of § 142.0 immediately following the word "withdrawal" the following: " prior to the effective date of Treasury Decision ——."

(H) By inserting immediately following § 142.15 the following:

SUBPART B

§ 142.20 *Scope of Subpart B.* This subpart comprising §§ 142.20 to 142.35, inclusive, relates to the withdrawal, on and after the effective date of Treasury Decision ——, without payment of tax from customs. bonded manufacturing warehouses, class 6, for export to foreign countries or shipment to possessions of the United States, of cigars produced in such warehouses of imported tobacco on which the duties have been paid. Duties paid on tobacco used in the manufacture of cigars withdrawn under this subpart may not be recovered. However, this subpart is exclusive only with respect to the withdrawal of cigars for shipment to a foreign country or possession of the United States where the customs regulations are not applicable to such shipment. This subpart does not relate to any withdrawal of cigars made of imported tobacco on which the customs duties have not been paid, which withdrawals must always be made in accordanee with customs regulations and procedure.

§ 142.21 *Definitions.* As used in this subpart:

(a) The term "collector" means the collector of internal revenue for the district in which is located the customs bonded manufacturing warehouse, class 6, from which withdrawal of cigars under this subpart is made or intended to be made.

(b) The term "manufacturer" means the proprietor of a customs bonded manufacturing warehouse, class 6.

(c) The term "warehouse" means a customs bonded manufacturing warehouse, class 6, where cigars withdrawn, or intended to be withdrawn, under this subpart, are made.

(d) The term "Commissioner" means the Commissioner of Internal Revenue.

SEC. 2135 [Internal Revenue Code]. EXEMPTION FROM TAX (As amended by act approved March 23, 1943, 57 Stat. 42).

(a) *Shipments to foreign countries and possessions of the United States*—(1) *Manufactures.* Manufactured tobacco, snuff, cigars or cigarettes may be removed for export to a foreign country or for shipment to a possession of the United States (or, until the date on which the President proclaims that hostilities in the present war have terminated, to a territory of the United States for the use of members of the military or naval forces of the United States) without payment of tax under such rules and regulations and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner, with the approval of the Secretary, shall prescribe.

A PROCLAMATION

* * * * *

* * * I, Harry S. Truman, President of the United States of America, do hereby proclaim the cessation of hostilities of World War II, effective twelve o'clock noon, December 31, 1946.

§ 142.22 *Shipment restricted.* The withdrawal of cigars under this subpart, without payment of tax, may be made only for export to foreign countries or possessions of the United States where the United States internal revenue laws are not in effect.

§ 142.23 *Bond.* Before or at the time of filing his first application, a manufacturer who desires to withdraw cigars from his warehouse without payment of tax under this subpart, shall furnish to the collector a bond, in duplicate, in such form as the Commissioner shall prescribe, with surety satisfactory to the collector. The penal sum of the bond shall be sufficient to cover the estimated amount of tax which shall at any time constitute a charge against the bond, and in no case less than $5,000.00. When the bond, in duplicate, is received by the collector, he shall, if the bond meets with his approval, make endorsement to that effect on both the original and duplicate of the bond and forward the duplicate to the Commissioner. The liability under such bond shall be a continuing one, and will be subject to increase or decrease as withdrawals are made and completed. When the limit of liability under such bond has been reached, further withdrawals may not be made thereunder. Instead, a new bond, in duplicate, must be filed by the manufacturer, under which subsequent withdrawals shall be made.

§ 142.24 *Packing, marking, or branding.* Cigars withdrawn under this subpart may be put up in packages of any sizes desired. Each package of cigars shall have securely affixed in place of the internal revenue stamp a label, which label shall be readily distinguishable from an internal revenue stamp and on which shall be printed the following legend:

Free of tax. For use only outside the jurisdiction of the internal revenue laws of the United States.

§ 142.25 *Shipping containers.* Each shipping container in which cigars are to be withdrawn under this subpart shall be plainly numbered by the manufacturer, the number to be a consecutive one of a series beginning with No. 1, and begin again with No. 1 on July 1 of each subsequent year.

Shipping containers shall not be closed and fastened until their contents have been inspected and verified by a customs officer at the warehouse, as hereinafter prescribed.

§ 142.26 *Application for withdrawal.* An application on Internal Revenue Form 550, appropriately modified, shall be executed and filed by the manufacturer with the collector for each shipment intended to be withdrawn under this subpart. Such application shall be filed in triplicate for each parcel post shipment, and in quadruplicate for each shipment otherwise than by parcel post. Each application shall bear a serial number, such number to be a consecutive one of a series beginning with No. 1 to cover the first shipment, and commencing again with No. 1 on July 1 of each year thereafter. Copies of each application shall bear the same serial number as the original. Each application shall be completely and legibly modified and filled in. The cigars described in the application shall not be withdrawn from the warehouse until after inspection and verification by the customs officer as hereinafter required.

Upon receipt of each application, properly executed, the collector shall, if the tax liability on the particular shipment does not increase the outstanding liability in excess of the penal sum of the bond under which the withdrawal is to be made, immediately after signing the original and each copy of the application, forward the original and the two or three copies of the application to the customs officer in charge of the warehouse from which the shipment is to be withdrawn, in order that the customs officer can make proper inspection and verification of the cigars described in the application.

§ 142.27 *Inspection and verification of shipment.* It shall be the duty of the customs officer in charge of the warehouse from which the shipment of cigars is to be withdrawn under this subpart, to inspect the shipment and determine definitely that the shipment contains the exact class and quantity of cigars specified in the application, and that the boxes or packages of such cigars meet the requirements of this subpart. The packing of the shipping containers shall be under the supervision of the customs officer who will see that the number required by this subpart is properly inscribed on each shipping container.

Cigars withdrawn under this subpart may be stored within the jurisdiction of the internal revenue laws of the United States only under Government control and supervision, or with the approval of the Commissioner. Cigars withdrawn and otherwise held in such jurisdiction are subject to seizure by and forfeiture to the United States.

§ 142.28 *Report of inspecting officer* After inspection and verification of the shipment have been completed and the shipping containers have been made ready for withdrawal and the customs officer has filled in and signed his report on the original and each copy of the application, the shipment shall be released for withdrawal by the manufacturer. One copy of the application is to be retained for customs purposes, one copy forwarded immediately to the collector and the original and the remaining copy delivered to the manufacturer to go forward with the shipment and be disposed of as hereinafter prescribed.

§ 142.29 *Delay in withdrawal of shipment; cancelation of shipment.* In case a shipment is not withdrawn from the warehouse within ten days after inspection and verification as provided in this subpart, the manufacturer must advise the collector as to the probable date of withdrawal. If the order for the shipment has been canceled, the manufacturer should so advise the collector and request premission to return the shipment to stock in the warehouse under the supervision of the customs officer in charge of the warehouse.

§ 142.30 *Change in consignee.* If, after inspection and verification, but before withdrawal of the shipment, the manufacturer for good and sufficient reasons desires to change the consignee or the address of the original consignee shown by the application, the manufacturer shall forward to the collector for correction and endorsement the original and copy of the application delivered to him by the inspecting officer with a letter setting forth his reasons for the change. The collector, after making correction and endorsement of the change, shall forward the original and copy of the application to the customs officer in charge of the warehouse with a letter instructing the customs officer to make similar change in the copy of the application which he retained after inspection and verification of the shipment, and to deliver the original and copy of the application to the manufacturer.

§ 142.31 *Withdrawal of shipment and disposition of original of application, Form 550*—(a) *General.* After the shipment has been released for withdrawal, the manufacturer shall enter on the original and copy of the application the actual date of withdrawal of the shipment from the warehouse, after which the shipment may go forward to the consignee. The original and copy of the application shall then be disposed of by the manufacturer as hereinafter prescribed.

(b) *Shipment other than by parcel post.* (1) If the warehouse is located at the port of exportation, the manufacturer shall file with the collector of customs at the port, at least six hours prior to lading of the shipment, the original and one copy of the application on Form 550 returned to him by the customs officer who inspected the shipment at the warehouse.

(2) If the warehouse is located elsewhere than at the port of exportation, the manufacturer shall forward the original and one copy of the application on Form 550 to the collector of customs at the port or to the agent of the manufacturer at the port so that these forms may reach or be filed with the collector of customs at least six hours prior to lading of the shipment. Where the original and one copy of the Form 550 are forwarded by the manufacturer to his agent at the port, the agent may fill in the name of the carrier or exporting vessel and give the location of the pier where the shipment will be laden.

(3) In case of exportation to a foreign contiguous territory by rail through a border port the manufacturer will forward the original and one copy of the application on Form 550 to the collector of customs at the border port through which the shipment will be routed for exportation.

(4) After the shipment has been inspected and laden on the exporting vessel or carrier or where the shipment has been inspected at the border port of exit with respect to shipment to a foreign contiguous territory the customs inspector who supervised the inspection and lading of the shipment will execute the Certificate of Inspection and Lading on

the reverse side of both the original and copy of the Form 550 and return these forms to his collector of customs. After the vessel or carrier has cleared from the port of exportation or exit, the collector of customs will execute the Certificate of Exportation on both the original and copy of the Form 550, retain the copy for his file and forward the completed original to the collector of internal revenue of the district from which the shipment originated as indicated on the back of the form.

(c) *Shipment by parcel post.* If the shipment is to be made by parcel post, the manufacturer shall execute on each shipping container or parcel a waiver of his right to withdraw the container or parcel from the mails, and then at the time of mailing present the original Form 550 covering the shipment to the postmaster or his agent for execution of the certificate of mailing provided on the back of the form. The original Form 550 so executed shall be filed promptly thereafter by the manufacturer with the collector.

§ 142.32 *Return of shipment to warehouse.* If, after withdrawal, the manufacturer desires to return a shipment to the warehouse, he must make application to the Commissioner for permission to do so. The manufacturer must identify the shipment, and show where it has been since it left the factory, where held and in whose custody it is at the time of making application, and the reasons for returning the shipment. After receipt of such application, the Commissioner will issue appropriate instructions. The return of cigars to the warehouse will operate only to relieve the manufacturer of liability to internal revenue tax. Cigars so returned may not thereafter be withdrawn with benefit of refund of duties on the tobacco of which the cigars were made. Section 558, Tariff Act of 1930, as amended (19 U. S. C. 1558).

§ 142.33 *Tax liability.* The responsibility for the delivery to the consignee of cigars withdrawn under this subpart shall rest upon the manufacturer making the withdrawal, who will be liable for the internal revenue tax on any cigars withdrawn or delivered otherwise than in accordance with this subpart.

§ 142.34 *Credit for shipment.* Upon receipt of the original of the application on Form 550 with the "Certificate of Inspection and Lading" and the "Certificate of Exportation" executed by the appropriate customs officers or the "Certificate of Mailing by Parcel Post" executed by the appropriate postal officer with no shortage reported, the collector shall enter the proper credit in the account, Form 94, which he shall keep with the bond under which the shipment was made. In case a shortage is reported, the collector shall enter credit for the cigars actually delivered and require the manufacturer to pay the amount of tax due on the shortage.

§ 142.35 *Penalties.* Various sections of the Internal Revenue Code impose severe penalties for the unlawful withdrawal of cigars from the place of manufacture and for the possession, use, or delivery within the United States (including its territories) of manufactured cigars upon which the tax has not been paid. These sections apply to cigars withdrawn without the payment of tax under this subpart, and, accordingly, any person withdrawing, possessing, using, or delivering any such cigars otherwise than as authorized by this subpart may be subject to the penalties prescribed by these sections of the Code.

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of Internal Revenue.
G. H. GRIFFITH,
Acting Commissioner of Customs.

[F. R. Doc. 47-3833; Filed, Apr. 23, 1947; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8684]

JULIUS BACHARACH

In re: Trusts u/w of Julius Bacharach, deceased. File D-28-1791, E. T. sec. 1203.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Bacharach, Karl Bacharach, Julius Bacharach, and Frieda Weinstock, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trusts created under the will of Julius Bacharach, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Harry Mack, as trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3900; Filed, Apr. 23, 1947; 9:00 a. m.]

[Vesting Order 8680]

HELEN BIDEN

In re: Trust u/w of Helen Biden, deceased. File No. D-28-10667; E. T. sec. 15021.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Gudden, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of Helen Biden, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Sydney Preston Biden and Helen Rice, as co-trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-3894; Filed, Apr. 23, 1947; 8:59 a. m.]

[Vesting Order 8690]

HENRY FRICKE

In re: Estate of Henry Fricke, deceased. File No. F-28-7638; E. T. sec. No. 2024.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Werner Fricke and Johanne Fricke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Henry Fricke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Walter B. Solinger, as Ancillary Administrator C. T. A., acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-3895; Filed, Apr. 23, 1947; 8:59 a. m.]

[Vesting Order 8741]

JACK TAKEUCHI

In re: Estate of Jack Takeuchi, also known as J. G. Takeuchi, deceased. File D-39-17363; E. T. sec. 15751.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Ayako Takeuchi and Atsuko Takeuchi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Jack Takeuchi, also known as J. G. Takeuchi, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan)

3. That such property is in the process of administration by Robert L. Sullivan, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Kings;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-3896; Filed, Apr. 23, 1947; 8:59 a. m.]

[Return Order 12]

BAGPAK, INC.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Bagpak, Inc., New York, N. Y. Claims Nos. A-119 and A-120.	12 F. R. 1451, Mar. 1, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent Nos. 1,988,705 and 1,997,385, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director*

[F. R. Doc. 47-3898; Filed, Apr. 23, 1947; 9:00 a. m.]

[Vesting Order 8747]

FRED KORTE

In re: Stock owned by Fred Korte. F-28-25277-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Korte, whose last known address is Loxstedt, Wesermunde, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. One hundred (100) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered FN029866/8 for twenty-five (25), forty (40) and thirty-five (35) shares, respectively, registered in the name of Fred Korte, together with all declared and unpaid dividends thereon, and

b. Warrants to purchase one hundred fifty-seven (157) shares of common capital stock of The Colorado Fuel and Iron Corporation, P O. Box 1920, Denver 1, Colorado, a corporation organized under the laws of the State of Colorado, evidenced by certificate number W-9044 and registered in the name of Fred Korte, together with any and all rights thereunder and thereto, including particularly but not limited to any and all rights of exchange thereof for other warrants of said The Colorado Fuel and Iron Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evi-

[1] Filed as part of the original document.

dence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3897; Filed, Apr. 23, 1947; 9:00 a. m.]

ELLIS MILLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return on or after 30 days from the date of publication hereof, the following property located in Washington, D. C. including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Ellis Miller, New York City, N. Y.	691-694, inclusive	Property described in Vesting Order No. 675 (8 F. R. 5623, April 17, 1943) relating to United States Letters Patent Nos. 2,223,331, 2,223,332, 2,223,333, and 2,223,525, to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on April 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-3899; Filed, Apr. 23, 1947; 9:00 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-729]

CITIES SERVICE GAS CO.

ORDER GRANTING ORAL ARGUMENT IN LIEU OF BRIEFS

Upon consideration of the motion of Cities Service Gas Company filed on April 9, 1947, for oral argument in lieu of briefs;

The Commission finds that:

Good cause exists for substituting oral argument in lieu of briefs, and in the circumstances is appropriate and in the public interest.

The Commission orders that:

Oral argument upon the matters involved and issues presented in Docket No. G-729 be had before the Trial Examiner, previously designated, on May 7, 1947, at 10:00 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: April 21, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-3877; Filed, Apr. 23, 1947; 8:46 a. m.]

[Docket No. G-834]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 17, 1947.

Notice is hereby given that on March 31, 1947, an application was filed with the Federal Power Commission by Southern Natural Gas Company (Applicant) a Delaware corporation, having its principal place of business at Birmingham, Alabama, and authorized to do business in the States of Alabama, Georgia, Louisiana, Mississippi and Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural-gas pipeline facilities:

(1) *Trunk Line.* A 16-inch line extending approximately 225 miles due east to the vicinity of Colfax, Georgia from the point in Lee County, Alabama on the proposed 24-inch Gwinville, Mississippi-Atlanta line where said line bends northeasterly toward Atlanta, Georgia. The capacity (delivery on peak day) of this line is 203,900 Mcf.

(2) Extensions from 16-inch line:

Tallahassee Line. An 8⅝-line, having a daily delivery capacity of 27,500 Mcf, extending 56.4 miles south from Compressor Station B on the 16-inch trunk line, to Albany, Georgia, reduced to 6⅝-inch pipe for 53.0 miles from Albany to Thomasville, Georgia, with 4½-inch laterals to Cordele, Moultrie and Cairo, Georgia, and Tallahassee, Florida, and with a 4½-inch lateral through Quitman to Valdosta, Georgia.

Jacksonville Line. A 10¾-inch line, having a daily delivery capacity of 47,500 Mcf, extending southeasterly 147.5 miles from the vicinity of Covena, Georgia, to the junction with the Fernandina branch, and continuing as an 8⅝-inch line 18 miles long to Jacksonville, Florida. Extending 59 miles southeasterly from the junction at Compressor Station E is 6⅝-inch lateral to Brunswick. The Fernandina-St. Marys lateral is an 8⅝-inch line extending 15.3 miles to the point where 6⅝-inch branch lines extend respectively 10 miles to Fernandina and 21 miles to St. Marys. There is also a 12.2 mile lateral of 4½-inch pipe to Waycross, Georgia.

Savannah Line. A 10¾-inch line, having a daily delivery capacity of 45,000 Mcf extending 54.2 miles from the Colfax terminus of the 16-inch line to Savannah, Georgia.

Georgetown Extension. A 14-inch line, having a daily delivery capacity of 78,500 Mcf, extending 54.4 miles from the Colfax terminus of the 16-inch trunk line to Compressor Station D, located at the junction of the Augusta Line. From this point to the junction of the junction of the Charleston Line, the line is reduced to a 12¾-inch line, where it is further reduced to 8⅝ inches extending to the easterly terminus at Georgetown, South Carolina. This extension will supply the following branch lines:

Augusta Line. An 8⅝-inch line extending 46.7 miles from Compressor Station D in the vicinity of Allendale, South Carolina, to the Aiken, South Carolina, junction with 6⅝-inch branches to Augusta (4.8 miles) and Aiken (18.3 miles). The daily delivery capacity of the Augusta Line is 21,750 Mcf.

Columbia Line. An 8⅝-inch line, having a daily delivery capacity of 14,000 Mcf, extending 55.6 miles north from the vicinity of Branchville, South Carolina.

Charleston Line. An 8⅝-inch line, having a daily capacity of 20,200 Mcf, extending 46 miles from the Georgetown line to Charleston, South Carolina.

(3) The location, rated horsepower and capacity of proposed Compressor stations as follows:

Compressor Station A of 9,000 installed horsepower, (8,720 active H. P.) with a delivery capacity of 203,900 Mcf, will be located on the 16-inch trunk line 21 miles east of its junction with the Gwinville-Atlanta 24-inch line.

Compressor Station B of 9,000 installed horsepower (8,660 active H. P.) with a delivered capacity of 201,400 Mcf, will be located on the 16-inch trunk line 56 miles east of Compressor Station A, at its junction with the Tallahassee Line.

Compressor Station C of 8,000 installed horsepower (7,420 active H. P.) with a delivery capacity of 171,100 Mcf, will be located on the 16-inch line 69 miles east of Compressor Station B.

Compressor Station D of 4,000 installed horsepower, with a delivery capacity of 78,300 Mcf will be located on the Georgetown Extension at its Junction with the Augusta Branch.

Compressor Station E of 1,600 installed horsepower, having a delivery capacity of 47,000 Mcf, will be located on the Jacksonville Line at its junction with the Brunswick laterial.

The pipe lines will include multiple line crossings at 21 major streams, and the compressor stations will include coolers, water systems and other appurtenances.

Meter and regulator stations of appropriate capacities will be located at all city and town gates and industrial delivery points. All facilities will be operated as an integral part of Applicant's system.

All lines will be operated at maximum pressures of 1080 p. s. i. with delivery pressures of not less than 50 p. s. i. The maximum day demand on this system is etimated to be 197,600 Mcf.

Applicant recites that the construction of the facilities covered by the present application is dependent upon approval by the Commission of Applicant's application, Docket No. G-796, including particularly the 24-inch Gwinville-Atlanta main line. Applicant states that the date of commencing construction is thus dependent upon Commission approval of the Gwinville-Atlanta main line for which pipe is now on order with deliveries expected in 1949.

The Applicant further recites that with the construction of the new 24-inch Gwinville-Atlanta main line sufficient excess capacity will be provided to supply the South Georgia-North Florida-South Carolina territory. This 24-inch main line, when operated with compressors at 1,000 pounds pressure, will have a capacity of 540,000 Mcf per day, when the additional necessary compression has been added to the above-mentioned 24-inch Gwinville-Atlanta line west of Lee County, Alabama. Less than half of this additional capacity will be required to meet all the estimated requirements of the markets now being served by Applicant, and those covered by Applicant in G-796, leaving more than 270,000 Mcf per day available to serve the South Georgia-North Florida-South Carolina territory.

Applicant recites that the estimated total over-all capital cost of the proposed facilities is $25,711,955.

Information with respect to Applicant's plans for financing the project, including working capital and other incidental costs, will be supplied by amendment hereto.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3878; Filed, Apr. 23, 1947; 8:46 a. m.]

[Docket No. G-886]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER VACATING ORDER SUSPENDING RATE SCHEDULE

APRIL 18, 1947.

Notice is hereby given that, on April 16, 1947, the Federal Power Commission issued its order entered April 16, 1947, vacating order suspending rate schedule in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3876; Filed, Apr. 23, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, General Permit 5]

RESTRICTIONS ON RECONSIGNING PERISHABLES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of paragraph (j) of Service Order No. 396 insofar as it applies to shipments subject to a through or joint rate: *Providing however* That this general permit shall not apply to shipments for which there are published tariff charges applicable for backhauling or out-of-route movement.

This general permit shall become effective 12:01 a. m., April 19th and shall apply to all cars in transit on and after that date.

The waybill shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of April 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-3883; Filed, Apr. 23, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1489]

CENTRAL ILLINOIS LIGHT CO. AND COMMONWEALTH & SOUTHERN CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of April 1947.

Notice is hereby given that a joint application-declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Central Illinois Light Company ("Central Illinois") and its parent, The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company. The applicants-declarants have designated sections 6 (a) 7, 9 (a), 10, 12 (c) 12 (d) and 12 (f) of the act and Rules U-42, U-43, U-44 and U-62 thereunder as applicable to the proposed transactions.

All interested parties are referred to said application-declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Central Illinois proposes to amend its Articles of Incorporation so as to (a) increase the authorized number of shares of its common stock without par value from 250,000 shares to 1,500,000 shares and (b) change Central Illinois' issued and presently outstanding common stock, all of which is owned by Commonwealth, from 210,000 shares into 800,000 shares. Central Illinois also proposes to increase the aggregate stated capital represented by its common stock from $10,833,988 to $13,600,000 by the transfer of $2,766,012 from earned surplus to the common stock capital account. As of December 31, 1946, this entry would have had the effect of reducing Central Illinois' earned surplus from $4,102,108 to $1,336,096.

Commonwealth has filed with this Commission a plan dated March 25, 1946, pursuant to section 11 (e) of the act, for partial compliance with section 11 (b) As part of a program preliminary to such plan, and irrespective of the approval of said plan, Commonwealth proposes, subject to the approval of this Commission in appropriate proceedings, to dispose of the common stock of Central Illinois. The application states that the consummation of the instant proposed transactions will facilitate the disposition by Commonwealth of the common stock of Central Illinois and will make the company's common stock more marketable and a better vehicle of financing for the company. Central Illinois has filed an application with the Illinois Commerce Commission, the State Commission of the State in which Central Illinois is organized and doing business, for approval of the proposed transactions to be effected by it.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said

application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application-declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on May 7, 1947 at 11:00 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before May 5, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed increase in the outstanding shares of common stock of Central Illinois and in the aggregate stated capital represented thereby meets the applicable standards of sections 7 and 12 (c) of the act.

2. Whether the terms and conditions of the proposed common stock issue are detrimental to the public interest or the interest of investors or consumers.

3. What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers and, particularly, to insure that voting power shall be fairly and equitably distributed among the security holders of Central Illinois.

4. Whether the proposed acquisition by Commonwealth of the common stock of Central Illinois meets the applicable requirements of section 10 of the act.

5. Whether the fees and expenses to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. Whether the proposed accounting treatment of the transactions is proper and in conformity with sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicants-declarants herein, the Illinois Commerce Commission and on all parties of record and all parties granted leave to be heard in the proceedings on Commonwealth's plan of reorganization (File Nos. 59-20, 59-8 and 54-75), and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-3879; Filed, Apr. 23, 1947; 8:46 a. m.]

[File No. 70-1503]

FEDERAL WATER AND GAS CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of April A. D. 1947.

Notice is hereby given that a declaration and an amendment thereto has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Federal Water and Gas Corporation ("Federal"), a registered holding company. Declarant designates section 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 29, 1947, at 5:30 p. m. e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration, as amended, proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below.

Federal proposes to extend for a period of six months all or a portion of two notes in the unpaid principal amounts of $671,641.60 and $328,358.20, held by Guaranty Trust Company of New York and The Chase National Bank of the City of New York, respectively, and maturing June 1, 1947. Said notes are secured by 794,054½ shares of the no par value common stock of Scranton-Spring Brook Water Service Company ("Scranton") a subsidiary of Federal, and were originally issued in the aggregate principal amount of $3,830,615.62 to enable Federal to acquire the common stock of Scranton in connection with the latter's reorganization (Holding Company Act Release No. 6458). The aggregate principal amount of said notes has been reduced to $1,000,000 by the use of cash received by Federal from the sale of its investments in Chattanooga Gas Company and Mississippi Gas Company and treasury cash.

The filing further states that Federal will not have sufficient cash available to meet the payment at the present maturity date of said notes; and that although Federal originally intended to sell such shares of the common stock of Scranton as may be necessary to provide funds with which to retire said notes, it is now contemplated that as soon as practicable after the United States Supreme Court hands down its decision in "Securities and Exchange Commission v. Chenery Corporation et al.," Federal will file with the Commission a plan for the distribution of its remaining assets including the Scranton stock and the dissolution of the corporation, and that funds for the payment of said notes will be obtained from other sources.

The declarant requests that the Commission's order be issued herein as soon as possible, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

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